



# EMPLOYMENT TRIBUNALS

**Claimant:** M Hassan

**Respondent:** Assist Resourcing Limited

## JUDGMENT ON A RECONSIDERATION

The respondent's application for reconsideration of the default Judgment sent to the parties on 26 August 2021 is granted. The default judgment is hereby revoked.

### REASONS

#### Rules of Procedure

1. Rule 70 of the 2013 Rules of Procedure empowers a Tribunal either on its own initiative or on the application of a party to reconsider a Judgment where it is in the interests of justice to do so. On reconsideration, the original decision can be revoked.

#### Background

2. The claim was presented to the Tribunal on 30 April 2021 and served upon the respondent on 5 May 2021. No response was received. On 17 June 2021, the Tribunal sent the service papers to the respondent's registered office and invited a response. No response was received. Accordingly, a Judgment was issued pursuant to Rule 21 and sent to the parties on 26 August 2021.
3. The respondent then instructed solicitors who made an application to extend time for presenting the response. Unfortunately, the application did not comply with the provisions of Rule 20 and was therefore refused.
4. On 29 October 2021, the respondent corrected the defect which had led to the rejection of its response and applied for a reconsideration of the decision to reject its response. I reconsidered the decision and decided that the response should then be accepted: the respondent had given a valid explanation for its failure to enter a response in time; the draft response was submitted in a reasonable time thereafter;

the response had merits; and in the circumstances I considered that the respondent would suffer prejudiced if it was unable to defend the claim.

5. My decision was conveyed in a letter to the parties. This letter should have been accompanied by a Judgment on reconsideration but, due to an oversight, it was not.
6. Accordingly, the application for reconsideration is granted and the default judgment issued on 26 August 2021 is revoked.

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Employment Judge Batten  
6 July 2022

JUDGMENT SENT TO THE PARTIES ON

8 July 2022

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE