



EMPLOYMENT TRIBUNALS

Claimant: Mr I Mouhtij

Respondent: Stovells FA Limited

JUDGMENT

The application for a reconsideration of the rule 21 Judgment sent to the parties on the 12 May 2022 is refused

REASONS

1. In a claim form presented on the 29 January 2022 the claimant made a claim for unpaid wages. The respondent did not file a response to the claim. The judgment was made pursuant to rule 21 on 26 April 20 and sent to the parties on the 12 May 2022.
2. Rule 21 (3) of the Employment Tribunals Rules of Procedure provides that, "The respondent is entitled to notice of any hearings and decision of the Tribunal, but unless an extension of time is granted, shall only be entitled to participate in any hearing permitted by the Judge."
3. By Rule 71 the Tribunal may, either on its own initiative or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision may be confirmed, varied or revoked. If it is revoked it may be taken again. An application for reconsideration shall be presented in writing within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent and shall set out why reconsideration of the original decision is necessary.
4. An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked, the application shall be refused and the Tribunal shall inform the parties of the refusal.
5. The respondent has made an application for reconsideration of the judgment on the 22 May 2022. The application is made in time.

6. In the application the respondent seeks to rely on matters that could have been presented in a response to defend the claim made by the claimant. The respondent has not made an application for the response to be presented out of time. In short, the material on which the respondent relies could have been presented to the Tribunal in a timely manner and considered at a hearing had the respondent presented a response.
7. I have considered whether the application for a reconsideration contains any information that would justify the presentation of a response to the claim out of time and I am satisfied that there is nothing set out in the application to do so.
8. In the circumstances the application for a reconsideration is refused because it is not in the interest of justice to do so. The respondent should have presented the information in a response to the claim presented within the time limits. Alternatively, the respondent should provide some justification for the failure to present a response in time which renders it in the interests of justice to reopen the case which has been dealt with in accordance with the Rules of Procedure. It is in the interests of justice that there is finality in the process. There is no explanation provided by the respondent setting out why the respondent has not complied with the rules in this case by presenting a response in time.

Employment Judge Gumbiti-Zimuto

Date: 12 July 2022

Sent to the parties on: 14 July 2022.....

.....GDJ.....
For the Tribunals Office

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