



EMPLOYMENT TRIBUNALS

Claimant: Stephanie Collier

Respondent: Chloe Etherington

JUDGMENT

The claimant's application dated 23 June 2022 for reconsideration of the judgment sent to the parties on 10 June 2022 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. By Rule 70 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the Employment Tribunal may reconsider a judgment where it is necessary in the interests of justice to do so. On reconsideration, the original decision may be confirmed, varied or revoked.
3. The application for reconsideration has been made within 14 days of the date of the written judgment being sent to the parties as required by Rule 71. However, reconsideration cannot be ordered simply because the applicant disagrees with the judgment. Under Rule 72, if the Employment Judge considers that there is no reasonable prospect of the original decision being varied or revoked, the application shall be refused. Where practicable, the consideration shall be made by the same Employment Judge who made the original decision.
4. The claimant's claim for unlawful deductions from wages was dismissed because the Tribunal does not have jurisdiction to consider the claim which was presented out of time. The Tribunal found that the 3 month time limit had expired on 30 April 2020 and it was not until 21 April 2021 that the claim was presented.
5. The grounds relied upon by the claimant reiterate that whilst the respondent was the claimant's employer, she is registered disabled and under the care of the local authority. The claimant's salary was funded by a budget paid to the

respondent by the local authority. There was a long gap of several months in setting up a new care package after the respondent moved to another local authority area. The claimant says she was assured by the respondent and her mother that her wages between September 2019 and January 2020 would be reimbursed in full once the care package was in place. It was not until January 2021 that the respondent made it clear to the claimant that she would not pay the unpaid wages. Having taken advice from the Citizens Advice Bureau, the claimant considers there are mitigating circumstances for bringing her claim to the Tribunal outside the 3 month time limit.

6. All these grounds were raised to a greater or lesser extent in the claimant's written and oral arguments which I considered fully before arriving at my judgment. The application attempts to re-argue or expand upon why the claim should have been allowed to proceed despite being presented out of time. In my oral judgment I explained why I had chosen not to exercise my discretion to extend the time limit when it was reasonably practicable for the claim to be brought within the relevant 3 month time limit. The claimant had reasonable opportunity to address the Tribunal on her reasons for delaying the claim.
7. There must be finality in proceedings and the reconsideration process should not be used to argue the case afresh.
8. There are no reasons advanced as to why the interests of justice require the decision to be reconsidered. None of the matters raised by the claimant are such as to give any reasonable prospect of the original decision being varied or revoked. Accordingly, the application for reconsideration is refused.

Employment Judge Saward

Employment Judge Saward

Date: 5 July 2022

JUDGMENT SENT TO THE PARTIES ON

21/7/2022

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FOR THE TRIBUNAL OFFICE