



EMPLOYMENT TRIBUNALS

Claimant: Miss D Wallis

Respondent: The Magic Cottage Abergavenny CIC

UPON APPLICATION made by letter dated 21 May 2022 to reconsider the judgment dated 13 May 2022 sent to the parties on 19 May 2022 under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

JUDGMENT

The judgment dated 13 May 2022 sent to the parties on 19 May 2022 is revoked.

REASONS

1. An application for reconsideration is an exception to the general principle that (subject to an appeal on a point of law) a decision of the Employment Tribunal is final.
2. Rule 70 ET Rules 2013 sets out the test on reconsideration which is whether it is necessary in the interests of justice to reconsider the judgment. Pursuant to Rule 72(1), I may refuse an application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked but, pursuant to Rule 72(2), if the application has not been refused under paragraph (1) the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice.

3. In response to the notice from the Tribunal dated 17 June 2022, the Claimant on 21 June 2022 sent in an email in response setting out their reasons why the rule 21 judgment should not be revoked which included:
 - a. The Respondent had failed to follow the correct procedures when applying for a reconsideration of the rule 21 judgment; and
 - b. The Respondent had failed to comply with the directions given for disclosure of documents.
4. The application made by the Respondent was made within the 14 day time limit prescribed under rule 71 but had not been copied into the Claimant. However, despite failing to copy the Claimant, I would have, of my own initiative, considered revoking the rule 21 judgment in any event due to the tribunal error in failing to record receipt of the ET3 from the Respondent.
5. Failure to comply with case management directions is not a relevant consideration when determining whether it is in the interests of justice to revoke the judgment.
6. Having regard to the Claimant's response to the notice provided under paragraph (1), I have determined that a hearing is not necessary and that the original judgment should be revoked in the interests of justice as the Respondent had in fact filed an ET3 on 30 March 2022 within the prescribed time limit but, as a result of tribunal administration error, receipt of the ET3 had not been recorded.

Employment Judge Brace

Date 22 July 2022

JUDGMENT SENT TO THE PARTIES ON 25 July 2022

FOR THE TRIBUNAL OFFICE Mr N Roche