



EMPLOYMENT TRIBUNALS

Claimant: Mr D Williams

Respondent: Blackpool Laundry Company Limited

RECONSIDERATION JUDGMENT

The claimant's application dated **19th May 2022** for reconsideration of the judgment sent to the parties on **16th May 2022** is refused.

REASONS

1. Following a final hearing on 12th May 2022, which proceeded in the claimant's absence, the tribunal's written judgment was sent to the parties on 16th May 2022. The tribunal's judgment was that the respondent was to make a payment to the claimant in respect of holiday pay, by consent, and that the claimant's unpaid notice pay claim failed.
2. By email dated 19th May 2022, followed with two emails dated 30th May 2022, Mr McGrady (on behalf of the claimant) made an application under rule 71 for reconsideration of the tribunal's judgment. Those emails were referred to Employment Judge Peck on 29th June 2022 and considered by her in the first stage of the reconsideration process on 12th July 2022.
3. The claimant's application for reconsideration is refused. There is no reasonable prospect of the original decision being varied or revoked, because:-
 - The application provides no reason as to why it would be necessary in the interests of justice for the judgment to be reconsidered. It simply makes a statement to this effect.
 - The only claims to be determined at the final hearing on 12th May 2022, were the claimant's claims for notice pay and holiday pay. The claimant was afforded the opportunity to fully particularise the basis for these claims prior to the final hearing, having initially been unable to do so at a preliminary hearing for case management purposes on 10th August 2021 or at a public preliminary hearing on 8th December 2021. It was made clear to the claimant that he should provide further particulars in such detail as

would be presented to the tribunal at a final hearing. In other words, whatever information the claimant wanted the tribunal to consider in determining his claim should have been provided in advance and would therefore be before the Judge at the final hearing, whether or not the claimant and/or his representative were in attendance.

- The reconsideration application sets out the reasons for the claimant's representative's non-attendance at the final hearing, being a lack of internet connection. It fails to explain why the claimant did not himself attend the hearing. It fails to explain what efforts (if any) were made to contact the tribunal on 12th May 2022 to advise it of the difficulties the claimant's representative was experiencing with his internet connection. It does not explain why neither the claimant nor his representative made immediate contact with the tribunal once any internet issues were resolved. Indeed, the first contact made with the tribunal following the hearing was only on 19th May 2022, 7 days after the hearing and at such time as the claimant was in receipt of the tribunal judgment.
 - Even if it was known that the claimant's representative was experiencing internet issues at the start of the hearing, taking into account the overriding objective, the tribunal may still have decided to proceed in the absence of the claimant or via an alternative format (for example, by telephone) given the narrow issues in dispute; the documentary evidence available to it for consideration; the complexity of the issues; the readiness of the parties to proceed, including the attendance of counsel and Mr Oldroyd on behalf the respondent; and the fact that postponing the hearing would have caused further delay and cost.
 - The reconsideration application provides no indication, at all, as to what prejudice was caused to the claimant by virtue of the claim proceeding in his absence.
 - The reconsideration application does not indicate that there is any evidence that would have assisted the Tribunal in determining whether or not notice pay was owing to the claimant, that was not available to it by virtue of the claimant's non-attendance.
4. Finally, to the extent that reference is made in the reconsideration application to ongoing victimisation and alleged discrimination in the form of non-payment of pension, this appears to be an attempt to make a further amendment application on behalf of the claimant, in duplicate form to the claimant's amendment application dated 7th February 2022, refused by Employment Judge Slater and his amendment application dated 12th May 2022, refused by Employment Judge Peck and in each case deemed appropriate for consideration on the papers alone.

Employment Judge Peck
12 July 2022

JUDGMENT SENT TO THE PARTIES ON
28 July 2022

FOR THE TRIBUNAL OFFICE

Notes

1. Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.