



EMPLOYMENT TRIBUNALS

BETWEEN:

Miss G Feodot
Claimant

and

Janet Cresswell
Respondent

Application for Reconsideration

Held at: In Chambers

On: 8 August 2022

Before: **Employment Judge R Clark**

JUDGMENT

1. The Respondent's application for reconsideration of the judgment dated 20 July 2022 is refused.

REASONS

1. On 20 July 2022, I issued a rule 21 judgment in favour of the claimant and awarded the undisputed unpaid wages she sought. The written judgment was sent to the parties on 21 July 2022. By an email dated later that same day, the respondent applied for a reconsideration of the judgment. The application is essentially about the respondent's ability to satisfy the sum in a single payment or to raise the funds. She continues to agree that the money is owed to the claimant. The application does not explicitly state whether she is seeking the revocation or variation of the judgment and, if variation, in what way it is to be varied.
2. I also have the claimant's reply objecting to the application which is also dated 21 July 2022.

3. Such an application falls to be considered under rules 70-72 of schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013. By rule 71, an application for reconsideration must be made in writing within 14 days of the decision being sent setting out why reconsideration of the original decision is necessary. The respondent's email application was submitted in time.
4. By rule 70, the tribunal may reconsider any judgment where it is necessary in the interests of justice to do so and, if it decides to do so, may vary, revoke or confirm the original decision. There is now a single threshold for making an application. That is that reconsideration is necessary in the interests of justice. There must therefore be something about the nature of how the decision was reached, either substantively or procedurally, from which the interests of justice would be offended if the original decision was allowed to stand.
5. By rule 72(1) I am to give initial consideration to the prospects of the application which determines whether it is necessary to seek the views of the respondent and whether the matter can be dealt with on paper or at a further hearing before the same tribunal. Where the application can be said to carry no reasonable prospects of being varied or revoked, the rules dictate that I shall refuse the application without being required to consider the matter further.
6. I am satisfied that there are no prospects at all of the original decision being varied or revoked. First, the application for reconsideration does not challenge the claimant's entitlement to the wages or the sum awarded. Secondly, the issue is really one of how the judgment is to be satisfied. That is a question to be considered at the enforcement stage, should it be reached, which is outside the scope of the employment tribunal's powers. It is not for me to comment further on whether instalments or other means of satisfying might be agreed between the parties or ordered by the County Court but those are questions for then and not in the tribunal's judgment at this stage. Had there been an agreement between the parties as to some sort of instalment plan to satisfy the judgment then it would be open to me to consider staying the judgment but that is not the case either.
7. Consequently, for those reasons I must refuse the application for reconsideration.

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Employment Judge R Clark
Date: 8 August 2022

JUDGMENT SENT TO THE PARTIES ON

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AND ENTERED IN THE REGISTER

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FOR SECRETARY OF THE TRIBUNALS