



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr K Bloomfield

**Respondent:** Huntingdon Performance Tyres Ltd

**UPON THE RESPONDENT'S APPLICATION** dated 3 June 2022 to reconsider the Judgment dated 23 April 2022 under rule 71 of the Employment Tribunals Rules of Procedure 2013.

## JUDGMENT on RECONSIDERATION

1. The Respondent's application for an extension of time to 3 June 2021 for the Respondent to make an application for reconsideration is granted.
2. The Tribunal determines that a hearing is not necessary in the interests of justice.
3. The Tribunal further determines that it is necessary in the interests of justice to reconsider its Judgment dated 23 April 2022.
4. On reconsideration, the decision of the Tribunal to strike out the Claimant's complaint of unfair dismissal is revoked.

## REASONS

1. When the complaint of unfair dismissal was struck out by Employment Judge Tynan, he was unaware that the Claimant's solicitors had made representations in response to a strike out warning dated 28 March 2022, setting out why the Claimant was said to have sufficient qualifying length of service to bring a claim of unfair dismissal. Whilst the Respondent asserts that there was a break in the Claimant's continuous service in or round February or March 2020, the issue is only capable of being determined by the Tribunal at a full merits hearing and having considered the entirety of the evidence. The Claimant has at least an arguable claim to sufficient qualifying length of service to be able to bring a complaint of unfair dismissal and accordingly should be permitted to have the issue determined at a hearing. The Respondent's submissions may or may not be upheld in due course, but they do not enable the Tribunal to conclude that the Claimant has no reasonable prospect of succeeding in a complaint of unfair dismissal.
2. A hearing has not been necessary in the interests of justice since it is clear on the face of the papers that there is a legitimate issue to be determined as to the Claimant's length of continuous service. It is necessary in the interests of justice to reconsider the Judgment striking out the unfair dismissal complaint. On reconsideration, the Judgement is revoked.

3. The Tribunal will make further case management orders and list the case for a final hearing.

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Employment Judge Tynan

Date: 3 October 2022

JUDGMENT SENT TO THE PARTIES ON

7 October 2022

FOR THE TRIBUNAL OFFICE