



EMPLOYMENT TRIBUNALS

London South Employment Tribunal on 7th October 2022

Claimant

Between

Respondent

Mr Siarhei Karpovich

&

Kisiel Limited

Before

Judge M Aspinall (Sitting as an Employment Judge)

Appearances

None - interlocutory

APPLICATION FOR RECONSIDERATION Judgment

1. By an application received, via email, at 14:08 23 September 2022 the Respondent has applied for reconsideration of my judgment in this claim.
2. My primary judgment was entered on 8 September 2022 and issued to the parties on 22 September 2022. I allowed the claim pursuant to Rule 21 of the Employment Tribunals Rules of Procedure and ordered payment of appropriate sums to the Claimant.
3. The Respondent provided, with their application, a copy of an email sent to the Tribunal on 2 September 2022 which provided their response to the claims made by the Claimant. 2 September 2022 was the deadline for their submission of a response.
4. Unfortunately, that submission was not before me on 8 September when I made my decision under Rule 21 which disposed of the claim.
5. In fact, the Respondent had complied with their obligation to provide their response by 2 September 2022. It is unfortunate that they did so at the last minute and that this meant that it had not been processed by the Tribunal by the time the claim came before me 6 days later.
6. In the circumstances, it would clearly be an affront to justice if the claim were to be summarily decided against the Respondent when they had - in fact - complied with the deadline (which had been extended already) to submit their response. It was, as I have said, somewhat at the last minute, but it was within the deadline.
7. For those reasons, I do reconsider my decision made on 8 September 2022. **It is not appropriate to make a Rule 21 finding in these circumstances, so I revoke my previous decision.** The claim will continue, and the Tribunal will issue standard case management orders for its progress to a final hearing.

**Judge M Aspinall on Friday,
7th October 2022**

