



On the 27 January 2022 correspondence was sent to the respondent at Wenlock Road informing them that the case would be listed for a final hearing.

On the 28 January 2020 a Notice of Hearing was sent to both parties confirming the date of the final hearing as the 24 May 2022. That was sent to the respondent at the Wenlock Road address.

On the 12 May 2022 a notice was sent to both parties informing them that the hearing on the 24 May 2022 would be heard remotely via Cloud Video Platform. That was sent to the respondent at the Wenlock Road address.

On the 23 May 2022 the CVP log in details for the hearing on the 24 May 2022 were emailed to the claimant. The same details were posted to the respondent.

No reply was received from the respondent to any of this correspondence and as already stated, they did not attend the final hearing.

On the 25 August 2022, the Tribunal sent my Judgment to both parties. The same day, the respondent contacted the Tribunal for the first time by email. They acknowledged receipt of the Judgment and stated that they had not received any notice of the hearing.

The respondent emailed the Tribunal again on the 6 September 2020 and asked for a reconsideration. The respondent set out three reasons why the judgment should be reconsidered:

1. They did not receive notice of the hearing.
2. An error was made in calculating compensation.
3. There is “new evidence” that was not available at the hearing.

Notice of the hearing:

All of the tribunal's correspondence was sent to the respondent's registered address as shown on Companies House. No response was received to any of that correspondence, save once Judgment had been issued. I do not accept that the respondent did not receive any of this correspondence and I do not accept that the respondent was unaware of the hearing on the 24 May 2022. In their email dated the 6 September 2022, the respondent appears to contradict themselves. They state “...*she [the claimant] didn't even notified us the hearing date or the court case the whole time...*” However, they also stated “*Meanwhile, we had been talking to [the claimant] the whole time...*”

The respondent attached some text messages as proof that they were unaware of the hearing date. However, it is clear from those messages that the respondent was aware that the claimant was at the very least contemplating proceedings, was trying to resolve their differences and that they were being accused of refusing to engage in conciliation.

For these reasons, as I have already stated, I do not accept that the respondent was unaware of the proceedings and had not received the notice of hearing.

Errors in calculating compensation:

In calculating compensation, I considered oral evidence from the claimant and the documentary evidence that had been provided. This included a letter signed by a Mr Ken Kemal on behalf of the respondent dated the 19 January 2019 (from their address at Weston Road). This letter confirms that the claimant was employed by X Markets Group Ltd and prior to that by X Markets Securities Ltd. That same letter also states that as at the 31 December 2018, the respondent owed the claimant £52, 476.39 net in “salaries and disbursements”. Thereafter the claimant gave evidence that since this date, the claimant had failed to pay her some additional wages which totaled the amount in the Judgment.

According to Companies House, the name of the company was changed on the 09 June 2022 from X Markets Group Ltd to Alpha Technology & Research Ltd.

There is therefore compelling evidence that the respondent made an unlawful deduction of wages from the claimant and I do not accept that Judgment has been issued against the wrong parties.

New evidence unavailable at the hearing:

Under this subheading, the respondent repeats their observations about being unaware of the hearing date. They again contradict themselves and state the claimant had been “...*talking to us throughout the whole court hearing process and didn't even notified us from the court hearing, court hearing date and also the case. Also, we had talked to her in 2019 and the amount we agreed upon is way too less than the amount the court calculated.*”

Within this sub-heading, the respondent does not identify what “new evidence” they are referring to.

As I have already stated, I do not accept that the respondent was unaware of these proceedings.

For all of the above reasons, the application for reconsideration is refused because there is no reasonable prospect of the original decision being varied or revoked.

Employment Judge **Apted**

Date: 30 September 2022