



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Ashcroft

**Respondent:** The Questionable Phoenix Partnership

## JUDGMENT

The Respondent's application dated 12 November 2022 for reconsideration of the Judgment sent to the parties on **10 October 2022** is refused. It is not in the interests of justice to reconsider the Judgment.

## REASONS

1. The Judgment in this case dated 3 October 2022 and sent to the parties on 10 October 2022 ordered the total sum of £6,257.28 to be paid by the Respondent to the Claimant. The Judgment was given under Rule 21 of the Employment Tribunals Rules of Procedure ("the Rules").

2. In an email dated 12 November 2022, the Respondent applied for a reconsideration of that Judgment, not in terms of liability, but in respect of the amount ordered to be paid by the Respondent who challenged that amount saying the amount actually due to the Claimant is £3,264.14. They also claimed they had only received the Judgment on 11 November 2022 (over a month after it was sent).

3. The Judgment under Rule 21 illustrates the fact that the Respondent did not submit a response to the claim presented to the Tribunal on 6 July 2022.

4. Reviewing the file and the Respondent's email, I see that the claim form was received by the Respondent since the Notice of Hearing was sent to them with the claim form and the Respondent noted the proposed date of hearing in their application for reconsideration. The Notice of Hearing states that the response must be received by the Tribunal by 5 August 2022 and, If it is not, a judgment may be issued against you. Notwithstanding this notice, the Respondent failed to submit a response whilst clearly knowing the Claimant was owed money by them.

5. Further, when asked by the Tribunal to quantify his claim, the Claimant did so and copied in the Respondent by letter dated 25 September 2022 so the Respondent was well aware of how much was being claimed.

6. The Respondent failed to engage with any correspondence sent to them by the Tribunal or the Claimant.

7. Rule 71 provides “.... an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written reasons were sent ...”

8. The Respondent’s application does not, therefore, comply with the Rules in that it was submitted outside the time limit and, I note from the application, was not copied to the Claimant.

9. Rule 72(1) provides that, “If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked .... the application shall be refused ...

10. There is no indication that the Respondent has engaged in the Tribunal process at all. It seems they were content to await the Tribunal’s Judgment before paying what was owed to the Claimant. The fact that they now query the amount of the award suggests that the lack of engagement was quite deliberate. The failure to challenge the claim by submitting a response to it means the Claimant’s evidence, which they have seen, was not challenged. I do not accept that it took over a month for the Judgment to find its way through the post to the Respondent, especially when previous correspondence was received and ignored.

11. Even if the Respondent had complied with the Rules in terms of the time limit and copying in the Claimant, my decision would have been the same in the circumstances outlined above.

12. Accordingly, the application is refused.

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**Employment Judge M Butler**  
Date: 18 November 2022

FOR THE EMPLOYMENT TRIBUNAL OFFICE  
**Yahya Merzougui**