



EMPLOYMENT TRIBUNALS

Claimant: Mr SM Walker and Ms DE Leake

Respondent: Welbeck House Limited (In liquidation)

JUDGMENT

The Claimants' application dated 26 November 2022 for reconsideration of the judgment sent to the parties on 22 November 2022 is refused. It is not in the interests of justice to reconsider the judgment.

REASONS

1. The claims in this case were struck out as they were not being actively pursued and because the claim form gave no explanation as to why the claims should be considered when they were almost 2 years out of time.
2. As the judgment records, the Claimants did not attend the hearing on 8 November 2022. Timely notice of the hearing was sent to the Claimants on 25 August 2022. The notice of hearing clearly set out the reason for the hearing which was to consider whether the Tribunal had jurisdiction to hear the claims because they were presented out of time.
3. When the Tribunal Clerk contacted Mr Walker at 10.20am on the day of the hearing to ascertain whether he proposed to attend, he clearly stated he had forgotten about the hearing which he thought was on 10 November 2022 and was sorry but would not be attending. He was given every opportunity to elaborate if he wished but did not do so. He later wrote to the Tribunal saying he was ill on the day which is inconsistent with his earlier explanation.
4. In such circumstances, it was clearly appropriate to strike out the claims. It is a matter for the Claimants to actively pursue their claims and getting the date of hearing wrong is not a reasonable explanation for failing to attend. Accordingly, the application for reconsideration is refused.

Case No: 2601560/2022

Employment Judge M **Butler**

Date 2 December 2022

JUDGMENT SENT TO THE PARTIES ON

8 December 2022