



EMPLOYMENT TRIBUNALS

Claimant: Miss L Reeves

Respondent: Dr Shahla Imani

JUDGMENT

The respondent's application for reconsideration of the judgment sent to the parties on 7th September 2022 is refused.

REASONS

1. Following the judgment in this case the Respondent wrote to the Tribunal on the 7th September and 8th September 2022 requesting that the case be reconsidered.

Relevant law

2. The procedural law in relation to reconsideration is found in the Employment Tribunal Rules of Procedure rule 70 to 73:

70 Principles

A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ('the original decision') may be confirmed, varied or revoked. If it is revoked it may be taken again.

71 Application

Except where it is made in the course of a hearing, 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 record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

72 Process

- (1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.
 - (2) If the application has not been refused under paragraph (1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations.
 - (3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it; and any reconsideration under paragraph (2) shall be made by the Judge or, as the case may be, the full tribunal which made the original decision. Where that is not practicable, the President, Vice President or a Regional Employment Judge shall appoint another Employment Judge to deal with the application or, in the case of a decision of a full tribunal, shall either direct that the reconsideration be by such members of the original Tribunal as remain available or reconstitute the Tribunal in whole or in part.
3. The Respondent makes a number of points in relation to her application for reconsideration, which can be summarised as follows:
- a. That she had written to the Tribunal indicating that she was unavailable to attend the hearing.
 - b. That the Claimant did not attend the hearing and had not engaged with the ACAS process.

- c. The Claimant had not worked her 'duty hours', which I understand to be a reference to the allegation that the Claimant had refused to work her notice period.
 - d. That the decision had been made purely because she was the employer and without regard to the effect on her business.
4. I have concluded that there is no reasonable prospect of the original decision being varied or revoked. The majority of the points raised by the Respondent, in particular in relation to her request to postpone and the Claimant's absence from the hearing have already been considered. My approach to them and my conclusions are set out in my written reasons. The application does not include any additional evidence and does not, in my view, make any substantial difference to the decision on these points.
5. In relation to the question of whether the Claimant worked or should have worked her notice period, as I have set out in the written reasons, I have concluded that this was not relevant to the deduction of wages claim.
6. The decision was not made, as the Respondent suggests, purely on the basis that she was the employer, but for the reasons as set out in the written reasons.
7. I therefore refuse the application for reconsideration.

Employment Judge Reed
Date 15 December 2022