



EMPLOYMENT TRIBUNALS

London South Employment Tribunal (remote) on 13th December 2022

Claimant

Between

Respondent

Ms Victoria Selina Shorter

&

Kent Central Ambulance Service Ltd

Before

Judge M Aspinall (sitting as an Employment Judge)

Appearances

Ms V Shorter (in person)
Mrs A Patton (for the Respondent)

APPLICATION FOR RECONSIDERATION Judgment

1. **For the reasons which follow, I refuse this second application for reconsideration of the judgment I gave (orally at the hearing on 13 December 2022 and sent to the parties on 14 December 2022).**
2. This application, dated 5 January 2023 and sent to the Tribunal on 9 January 2023, arrived with me as I was signing my decision in relation to the first reconsideration application made by the Claimant on 30 December 2022. I refused that earlier application because it was made out of time and was not sent to the Respondent as required by the express terms of Rule 71 of The Employment Tribunals Rules of Procedure 2013 as amended ("Rules").
3. This newer, 9 January 2023, application for reconsideration was sent to the Respondent by the Claimant. In fact, the Tribunal was the 'cc' recipient. In this instance, differing from the first application made on 30 December 2022, the Claimant provides her application in an attached document and has provided a little more information to explain the basis upon which she has calculated her holiday pay entitlement. None of this assists her, however.
4. Rule 71 of the Rules deals with making an application for reconsideration of a judgment. That Rule reads:
"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".
5. By the terms of that Rule, an application for reconsideration must be made within 14 days of the date on which the written decision was sent to the parties. My judgment, following the hearing on 13 December, was sent to the parties on 14 December 2022 so any application for reconsideration needed to be made by 28 December 2022.
6. As first reconsideration application, received on 30 December 2022, was two days out of time. This application, received 9 January 2023, is even further beyond the time limit set out in Rule 71.

7. On that basis alone, and without rehearsing the reasons I gave in my decision on the first reconsideration application, I refuse this second application.

Judge M Aspinall
10th January 2023