



EMPLOYMENT TRIBUNALS

Claimant

Sandra Messi

Respondents

v (1) Rameni Caussy
(2) Charles Novacraft Direct Limited
(3) Jo Toes
(4) Anne Heaton
(5) Daria Pekala

RECONSIDERATION JUDGMENT

1. The Claimant's application for a reconsideration of the Judgment sent to the parties on 9 September 2022 is refused as there is no reasonable prospect of the original decision being varied or revoked.

REASONS

1. By email dated 9 September 2022, the Claimant applied for reconsideration of the Judgment of the Tribunal striking out her claims under rule 37(1)(d) of the Employment Tribunal Rules 2013 on the ground that they had not been actively pursued. She alleged that the Tribunal did not examine all evidence that she sent that support her claims and therefore made a judgment in favour of the respondents.
2. Rule 70 of the Employment Tribunal Rules 2013 states that the Tribunal may on the application of a party reconsider any judgment. Rule 72 states that the Judge shall consider any application for reconsideration and, if they consider that there is no reasonable prospect of the original decision being varied or revoked, the application shall be refused.
3. The Judgment was given at a hearing on 19 August 2022 which the Claimant did not attend. On 16 August 2022, she had written to the Tribunal stating that the notice given for the hearing was too short and she would not be available to attend the hearing. She did not seek an adjournment or give any further explanation. This was not the first hearing that she had not attended, she had failed to attend a hearing of her application for interim relief on 11 January 2022, without explanation.

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4. The Tribunal heard from the Respondent who, as well as the unexplained failure of the Claimant to attend the interim relief hearing, relied on the Claimant's failure to take any substantive steps in the proceedings, for example her failure to comply with an order for provision of further information or to provide or agree documents for the case management hearing. The Tribunal considered the documents submitted to the Tribunal that were relevant to the nature and seriousness of her conduct of the proceedings.
5. In her reconsideration application, the Claimant does not identify the evidence that she says that she sent to support her claims that she alleges the Tribunal did not consider. In any event, the issue at the Open Preliminary Hearing on 19 August 2022 was whether the claims had been actively pursued (rather than for example whether the claim had a reasonable prospect of success). When the Claimant informed the Tribunal that she would not be attending the hearing, she did not direct the Tribunal to any document or other evidence that she wanted the Tribunal to take into consideration. The Tribunal in any event considered the evidence which had been submitted that were relevant to the application.
6. For these reasons there is no reasonable prospect of the original decision being varied or revoked and the application is accordingly refused.

Employment Judge de Silva KC

Date: 17 January 2023

Sent to the parties on: 26 January 23