



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Todor Nikolov  
**Respondent:** Miles Partitioning Industries Limited  
**Before:** Employment Judge Millard

## **JUDGMENT ON APPLICATION FOR RECONSIDERATION**

The judgment of the tribunal is that the claimant's application for reconsideration is refused because there is no reasonable prospect of the decision being varied or revoked.

### **REASONS**

1. The Claimant has applied for a reconsideration of the judgment of 27 January 2023, dismissing his claim for unlawful deduction of wages. This judgment was sent to the parties on 15 February 2023. The Claimant emailed the Employment Tribunal on 22 February 2023 to request reconsideration.
2. Schedule 1 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 contains the Employment Tribunal Rules of Procedure 2013 ("the Rules"). Under Rule 71 an application for reconsideration under Rule 70 must be made within 14 days of the date on which the decision (or, if later, the written reasons) were sent to the parties. The application was therefore received within the relevant time limit.
3. The grounds for reconsideration are only those set out in Rule 70, namely that it is necessary in the interests of justice to do so.
4. The ground relied upon by the claimant is set out in his email of 22 February 2023, specifically that he had not received any notice of the hearing on 27

January 2023. The Claimant also requests a translator as he is Bulgarian and using google translate to email the Employment Tribunal. The Claimant's email requesting reconsideration was sent from the email address, todornikolov56@yahoo.com. This email stated,

*Hello, today I spoke on the phone with your employee and he explained to me that I should write you an email to explain what happened and to ask for a new review of my case.*

*I was not present at the case when it was being considered In my case because I did not receive any notice from you I have no letter or e-mail.*

*Therefore, I request anew that my complaint be reconsidered and notified in a timely manner.*

*I'm from Bulgaria and I'm writing to you with Google Translate. I'm begging you to provide me with a qualified translator*

5. The Claimant had presented a claim for unlawful deduction of wages, by way of an ET1 claim form on 14 March 2022. On his claim form the Claimant provided an email address and a contact mobile phone number. The Claimant gave his email address as todornikolov56@yahoo.comt. It is quite clear that this was an error on the part of the Claimant, who had incorrectly listed the address as '.comt' rather than '.com'.
6. Notice of the hearing was sent to both the Claimant and the Respondent on 31 March 2022. This notice was sent to the same email address that the Claimant contacted the Employment Tribunal to request reconsideration. This was the correct .com email address.
7. On 18 January 2023 a further email was sent from the Employment Tribunal to both the Claimant and the Respondent. This related to an application by the Respondent. This email specifically said,

*Employment Judge Livesey directs me to inform the parties that due to the late nature of the Respondent's application, **it will have to be determined at the hearing of the 27<sup>th</sup> of January 2023.***

**[Emphasis Added].**

8. This email was again sent to the correct '.com' email address and not the incorrect email address on the claimant's ET1. Even had the Claimant not received the original notification of hearing, he would have been aware from the 18 January that there was a hearing listed on 27 January. This email was therefore a further notification to the Claimant of the hearing date.

9. The hearing on 27 January 2023 was conducted remotely by video. The Respondent attended the hearing by video, but the Claimant did not. Despite the Claimant's non-attendance the clerk to the Tribunal attempted to contact the Claimant, using the mobile number that he provided on his ET1, however he could not be contacted. As the notice of hearing had been properly served on the Claimant, the hearing proceeded in his absence and his claim for unlawful deduction of wages against the Respondent was dismissed.
10. It is the responsibility of the parties to not only check that they have provided the Employment Tribunal with the correct details for correspondence, but also to check email inboxes for correspondence from the Tribunal including any related spam or junk folders that their email systems may have sent emails to. Despite the Claimant providing an incorrect email address on his ET1 claim form, the Employment Tribunal sent the notice of hearing to the Claimant's correct email address on 31 March 2022 as well as a further email of 18 January 2023 which again provided the hearing date. This is the same email address that the Claimant has used to ask for reconsideration. Therefore, the Claimant was twice notified of the hearing date.
11. In his request for reconsideration the Claimant raises a language difficulty, saying he is Bulgarian and that he has used Google Translate to send his email. However, as per his email he was able to speak to the Tribunal staff on the telephone and to understand their instructions to email through a request to reconsider the case. Had the Claimant have not understood correspondence from the Tribunal, then he could have contacted the Tribunal by telephone, however he did not. In any event, the Claimant states that he did not receive notification of the hearing, rather than he had not understood the correspondence that was sent to him.
12. Accordingly, for the reasons that have been set out above, I refuse the application for reconsideration pursuant to Rule 72(1), because there is no reasonable prospect of the Judgment being varied or revoked.

Employment Judge Millard

Date: 22 March 2023

Judgment sent to the Parties: 31 March 2023

FOR THE TRIBUNAL OFFICE