



EMPLOYMENT TRIBUNALS

Claimant: Mr Hakan Candemir

Respondent: Ion Man Limited

JUDGMENT FOLLOWING RECONSIDERATION

The judgment of the Tribunal is that the Claimant's application for reconsideration of the judgment dated 23 January 2023 dismissing his claim is refused, pursuant to Rule 72 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013.

REASONS

- 1 On 20 January 2023, I dismissed the Claimant's claim, received by the Tribunal on 10 June 2022, for notice and holiday pay, arrears of pay and other sums including a redundancy payment, on his failure to attend or to be represented without reasonable cause at the full merits hearing by telephone of his claim. Mr Aaron McNeil, a director of the Respondent company, did attend the hearing, and repeated attempts were made by the Tribunal staff at my request to contact the Claimant on the telephone number he had provided in his ET1, but without success. I waited approximately 25 minutes after the specified hearing time of 2.00pm before dismissing the claim, in case the Claimant was having difficulty in joining the hearing, but to no avail.
- 2 Copies of the short judgment dismissing the claim were sent by the Tribunal to the parties by email on the afternoon of 25 January 2023, and three days later on Saturday 28 January the Claimant responded, once again by email, stating: '*sorry my names hakan candemir I check my emails every days and didn't receive a log in for a virtual link*'.
- 3 I have treated the Claimant's email as an application for reconsideration of the judgment dismissing his claim, pursuant to Rule 71 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, on the basis that the Claimant appears to be suggesting that he had not been notified that his claim would be heard on 20 January 2023.
- 4 The Tribunal sent the parties notice of the hearing at 2pm on 20 January 2023 by a letter dated 13 December 2022, the copy to the Respondent by post and that to the Claimant by email. That letter confirms that the hearing would be by telephone and provides appropriate details of how to join it.

- 5 The Claimant's copy of the notice of hearing was sent to the email address he had provided in his ET1, namely 'hniyazi98@hotmail.com', the Claimant also indicating that he should be contacted by that means, at 1408 hours on 13 December 2022 by a Listing Officer, as confirmed by the Tribunal's copy of that email. There is nothing to suggest that there was any failure in connection, or that the email bounced back. Furthermore, the Claimant's copy of the judgment dismissing his claim was sent to the same email address, and duly received by the Claimant.

- 6 Bearing in mind that the Respondent duly attended the hearing on 20 January 2023, that unsuccessful attempts were made to contact the Claimant on the afternoon of the hearing on the telephone number he had provided, and that the notice of hearing had been sent to him at the email address which he had also provided, I find that there is no reasonable prospect of the original decision to dismiss the Claimant's claim on his failure to attend the hearing without reasonable cause being varied or revoked, and I refuse the Claimant's application pursuant to Rule 72 of the 2013 Regulations.

Employment Judge Barrowclough
Dated: 4 April 2023