



## EMPLOYMENT TRIBUNALS

Claimant

Mr K Hargreaves

Respondent

Drive DeVilbiss Healthcare Ltd

v

Employment Judge JM Wade in chambers on 14 June 2023

### JUDGMENT

The claimant's application dated 1 June 2023 to re-consider the Judgment of the Tribunal sent to the parties on 28 November 2022 is refused.

### REASONS

1. The claimant's claims were dismissed pursuant to a Rule 47 Judgment sent on 28 November 2022.
2. His application to reconsider is made many months outside the relevant time limit identified in the letter sent accompanying the Judgment.
3. The Judgment identified the reasons for the Rule 47 Judgment and said "any such application must set out reasons for failure to attend today and must provide evidence of those reasons".
4. The email from the claimant says:
5. "To whom it may concern I have spoken to Acas Simon waters who told me to call Leeds tribunal regarding this matter.

I didn't realize I had to be on the telephone link as I thought u was defending case I also spoke to acas Simon he also stated I didn't need to be on , so is communication the day u called I was driving and tried to pull over as I was working to answer this call then tried to call back with no answer I did email once got the judgment to explain this and not heard anything since and would like this to be re opened as I was treat bad from this company".

6. The application is very late and I do not extend time, bearing in mind the important principle of certainty in justice. The Tribunal has made enquiries as to whether any other email communications have been received and none have been found. Even if I were to extend time, the claimant's belief that he did not need to dial in to attend the hearing, accepting he had that belief, is an unreasonable belief to hold bearing in mind the documentation that was sent to him, and notwithstanding any ACAS advice. It is his case; if he chooses not to attend hearings to progress it, there is a wide discretion and that was fairly exercised as explained in the reasons.
7. In all these circumstances, my assessment, as required by the Tribunal's Rule 72(1), is that even if I extended time, there are no reasonable prospects that the

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points made in the claimant's email, would lead to the judgment being revoked or varied.

**16 June 2023**

**Employment Judge JM Wade**