



EMPLOYMENT TRIBUNALS

Claimant: Mr F Musgrove
Respondent: Eden Spaces Ltd

UPON a reconsideration of the judgment sent to the parties on 17th March 2022 on the Respondent's application under Rule 71 of the Employment Tribunals Rules of Procedure 2013 dated 30th March 2023.

DECISION ON RECONSIDERATION

1. The decision of the Tribunal that was sent to the parties on 17th March 2023 is hereby confirmed.

REASONS

1. The Tribunal's power to reconsider judgments are contained within Rules 70 to 73 of the Employment Tribunal Rules of Procedure 2013. Rule 70 provides it may confirm, vary or revoke the judgment where it is necessary in the interest of justice. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked the application shall be refused and the Tribunal shall inform the parties of the refusal.
2. The Respondent applied to the Tribunal by email dated 30th March 2023 for written reasons of the Tribunal's judgment sent to the parties on 17th March 2023 and for a reconsideration of that judgment.
3. To the extent that there is a request for written reasons, that shall be provided within the body of this decision.
4. On 1st December 2022 the Tribunal sent to the Respondent at their business address, which is on the Companies House register and is at Unit 3, Hogsbrook Units, Greendale Business Park, Woodbury Salterton. Exeter, Devon EX5 1PY, a Notice of Claim requesting the Respondent to provide a response by 29th December 2022. No response was received.

5. On 23rd January 2023 the Tribunal wrote to the Respondent at their business address, which is on the Companies House register, and at Unit 3, Hogsbrook Units, Greendale Business Park, Woodbury Salterton, Exeter, Devon EX5 1PY informing them that because they had not entered a response to the Claimant's claims judgment was to be entered. When a respondent does not enter a response the Tribunal has power to enter a default judgment under Rule 21 of its Rules of Procedure, which was done in this case.
6. The Claimant was asked to quantify his claims and he did so satisfactorily so as to enable the judge to provide the judgment which was sent to the parties. As the judgment indicates, the basis for the judgment was correspondence from the Respondent dated 6th September 2022 which indicated that there was a deduction which was made to the Claimant's wages in respect of agency fees which was in any event unauthorised further to s.13(1) Employment Rights Act 1996. The Claimant was also owed untaken but accrued holiday pay at date of termination of £215.46.
7. There is no reasonable prospect of the decision being revoked or varied. The Tribunal notes that the address on the Companies House register and on the Respondent's website is the same address to which the notice of claim and response not received letters were sent. Therefore the claim was properly served. No response was received. Therefore the Tribunal was correct to provide the judgment sent on 17th March 2023. The Respondent has not provided any explanation as to why it did not receive the correspondence that was sent to its address by the Tribunal save for the judgment.
8. The Judgment of the Tribunal sent to the parties on 17th March 2023 is confirmed.

Employment Judge A Frazer
9th June 2023

Decision on reconsideration
Sent to the parties on 23 June 2023

For the Tribunal Office