



EMPLOYMENT TRIBUNALS

Claimant: Mr S Nwogu
Respondent 1: Dimensions UK Ltd
Respondent 2: Camilla Maple
Respondent 3: Adam Phillips

JUDGMENT

The claimant's application dated 21 March 2023 for reconsideration of the judgment sent to the parties on 2 March 2023 is refused.

REASONS

I was provided with a copy of the claimant's application for reconsideration on 9 June 2023.

The claimant's claims were struck out at a hearing on 20 February 2023. The judgment (which includes a record of the oral reasons given at the hearing) is dated 20 February 2023. It was sent to the parties on 2 March 2023.

An application for reconsideration must be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record of the original decision was sent to the parties: rule 71.

The claimant applied for reconsideration, and for an extension of time in which to present his application, in an email sent to the tribunal at 20:49 on 21 March 2023.

Following correspondence from the tribunal, the claimant has provided evidence that, on 8 April 2023, he sent the Respondents a copy of his application.

His application for reconsideration was therefore made late, and was not copied to all the other parties when it was made. The claimant seeks an extension of time for presenting his application on the basis that the judgment was not

delivered until 15 March 2023. Whether or not that is the case, the claimant says that he rang the tribunal on the day of the hearing, but was not connected to the hearing, and that his email of the same day seeking an adjournment was not taken into account. It is in the interests of justice that the substance of these complaints be considered, rather than dismissed on purely procedural grounds. I therefore extend time for the presentation of the application for reconsideration until 22 March 2023. I also extend time for compliance with the requirement to copy the application to all the other parties until 8 April 2023.

There is no reasonable prospect of the original decision being varied or revoked, for the following reasons.

The hearing on 20 February 2023 was listed to start at 10 am.

The tribunal attempted to ring the claimant twice but by 10:40 he had still not attended. The hearing proceeded in his absence, and judgment was given striking out his claim. The hearing ended at 10:50.

The claimant later responded to a call from a tribunal clerk, and spoke to Watford Employment Tribunal hearing centre. During his conversation he sent an email from his phone. The claimant's email was sent at 11:18, and asked for an adjournment. By this time the hearing had already ended, and his claims had already been struck out. I considered that the appropriate way forward was for the judgment to include the oral reasons given at the hearing. Having considered them, the claimant would be able to seek a reconsideration if he wanted.

The claimant emphasises in his application that his mother died on 31 October 2022, and that he was travelling between 19 December 2022 and 4 January 2023 for her funeral. He says that "I was unable to receive letters from the employment tribunal during the time cited in its judgment", and that he did not receive notification of the hearing. He also says that he did not receive a letter from the Tribunal dated 17 February 2023 (the letter which gave him an opportunity to make representations or request a hearing as to why the claim should not be struck out). He says that he did not receive the correspondence from respondent mentioned in the judgment. In particular he says that he did not receive the respondent's letter to him of 2 February 2023 (sent by special delivery, asking for his comments on the proposed list of issues).

The tribunal sent the claimant notification of the hearing on 24 October 2022, and sent him a strike out warning on 17 February 2023. The correspondence from the respondent to the claimant referred to in the judgment was included in the hearing bundle.

The claimant's application includes no reason for accepting his assertion that he was unable to receive letters from 24 October 2022 until the date of the hearing. Nor is there any reason to accept that he did not receive any of the correspondence notifying him of, or referring to, the hearing. Given the number of letters sent to the claimant, I see no reason to accept that the claimant first learnt of the hearing on the day of the hearing itself. There is no reasonable prospect of the original decision being varied or revoked on the basis of the reasons given the claimant's application for reconsideration, which is therefore refused.

Employment Judge Andrew Jack

29 June 2023

JUDGMENT SENT TO THE PARTIES ON

3 July 2023

GDJ
FOR THE TRIBUNAL OFFICE