



EMPLOYMENT TRIBUNALS

Considered at: London South

On: 30 June 2023

By: Employment Judge Ramsden

In the matter of Mr B Tomaszewski v Mr R Howard

Reconsideration of judgment reached on: 16 May 2023

JUDGMENT ON RECONSIDERATION

1. The Respondent's application for reconsideration of the judgment given in this matter on 16 May 2023 is refused, and the decision in that judgment is confirmed.

APPLICATION

2. On 22 June 2023 the Respondent applied, under Rule 71 of the Employment Tribunals Rules of Procedure 2013, for reconsideration of my decision on 16 May 2023 to Order him to pay to the Claimant the amount of £906.53 (the **Judgment**).
3. The Respondent's reason for doing so was his belief that the Judgment failed to take account of the fact that the Claimant was paid for a period by Connecting You Now Ltd.

DECISION

4. The Judgment found that the Claimant was, as a matter of fact, employed by Managed Mail Service Ltd for the period 23 February to 31 August 2022, and that Managed Mail Service Ltd used Connecting You Now Ltd as its payroll agent for payments made to the Claimant in respect of work performed in this period.

5. The Respondent's complaint is erroneous – account was taken of the facts that payslips provided to the Claimant relating to his work in the period 23 February to 31 August 2022 are from Connecting You Now Ltd, and that Connecting You Now Ltd in fact transferred money to him for his earnings in this period. Those facts are consistent with the finding that Connecting You Now Ltd acted as payroll agent for Managed Mail Service Ltd in this period.
6. However, the sum which the Respondent is Ordered to pay by the terms of the Judgment relates to work performed by the Claimant in a subsequent period, being 1 September to 23 or 24 September 2022.
7. It should be noted by the Respondent that the Judgment finds that he *personally*, not Managed Mail Service Ltd, employed the Claimant during this subsequent period (see paragraph 17(c) of the Judgment), and therefore it Ordered that he *personally* pays the Claimant £906.53.
8. For all of the above reasons, the Respondent's argument has no reasonable prospect of varying or revoking the Judgment, and his application for reconsideration fails.

Employment Judge Ramsden

Date 10 July 2023