



EMPLOYMENT TRIBUNALS

Claimant: Miss Stevie Seaton

Respondent: Mr Sami Husseyin

Before: Employment Judge Dyal

RECONSIDERATION JUDGMENT

1. The application for reconsideration has no reasonable prospect of success and is refused.

REASONS

1. By an email dated 17 April 2023, Mr Husseyin applied for reconsideration of the tribunal's judgment which dealt with liability and remedy.
2. If Mr Husseyin was told by the tribunal's administration that the final hearing was by video-link that was an error since it was in fact listed as an in-person hearing. However, since Mr Husseyin was unable to attend in person, on the first morning of the hearing - before it began - I converted it to a hybrid hearing. The Claimant attended in person. Mr Husseyin joined by videolink. He attended the entire hearing and participated throughout. I therefore do not accept that Mr Husseyin was unable to participate, nor do I accept that Mr Husseyin put at any disadvantage. Hybrid hearings have become very common since the pandemic and I have myself dealt with very many. I converted the second day of the final hearing to a fully remote hearing to save the Claimant from attending in person since she had a long journey to the tribunal from home. Both sides joined by videolink.
3. Mr Husseyin failed to enter a response to the claim within the time-limit. The claim form was re-served and a new time limit was set. Mr Husseyin again failed to enter a response to the claim by the time-limit. He did not present a response until after 2pm on 29 March 2023, the day before the final hearing.

At the final hearing, of my own motion, I treated that as an application for an extension of time to enter a response. I heard Mr Husseyin's evidence and the parties submissions on this matter. I rejected the application and gave detailed oral reasons for that at the time. (I ought to have recorded that I had refused this application in the judgment that followed the hearing but in a slip I forgot to do so. A corrected version of the judgment will be sent to the parties accordingly).

4. I decided in accordance with rule 21(3) that I would allow Mr Husseyin to participate in the hearing to the extent of providing documents, cross-examining the Claimant and making submissions. He did all of those things.
5. I heard oral evidence from the Claimant and received documents from her and, as noted, from Mr Husseyin. I gave them both the opportunity to make closing submissions. Having done that I gave a judgment with very detailed oral reasons explaining why I had reached the decisions I had. The judgment and reasons dealt both with liability and remedy (including the minutiae of quantification). There is no basis at all in the application for reconsideration for going behind any of that.
6. If Mr Husseyin thought the claim was limited to a claim holiday pay, that was his mistake albeit an inexplicable one. It is clear on the face of the claim form that it also includes complaints of unfair dismissal, pregnancy discrimination and failure to pay notice pay. It is plain that the central issue is that the Claimant says she was dismissed because of pregnancy. Further, I identified those as the complaints I was dealing with at the outset of the hearing. Further still, those are the complaints that the hearing then went on to in fact deal with.
7. It is true that the Claimant was paid for the whole of May 2021 but that is not a basis for reconsideration. The judgment took that fact into account fully both in dealing with liability (it is why the claim for notice pay failed) and remedy.
8. Mr Husseyin has, with his application for reconsideration, served a witness statement from Ms Wilson. If he wanted to rely on witness evidence he should have entered a response in time and then complied with the case management orders. He did not do so and there is no basis at all for me now to reopen the evidence.

Employment Judge Dyal
Date :18/04/2023

