



EMPLOYMENT TRIBUNALS

Claimant Ms R Symonds

Respondent CFE Lighting

JUDGMENT on Reconsideration

1. The claimant's application dated 3 August 2023 for reconsideration of the judgment made on 25 July 2023 and sent to the parties on 3 August 2023 is granted.
2. The claimant's complaints which had been dismissed for non attendance are reinstated.
3. A case management hearing will now be listed.

REASONS

Relevant Law

1. Rule 70 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013 provides that a Tribunal may reconsider any judgment where it is necessary in the interests of justice to do so.
2. Rule 71 provides that an application for reconsideration shall be presented in writing and copied to all the other parties within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties all within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision as necessary.
3. Rule 72 provides that an Employment Judge shall consider any application made under Rule 71. Where practicable the consideration shall be made by the Employment Judge who made the original decision or who chaired the full tribunal which made it. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked the application shall be refused.

4. At tribunal dealing with an application for reconsideration must seek to give effect to the overriding objective to deal with cases fairly and justly contained within Rule 2 of the Regulations. This includes ensuring that the parties are an equal footing, dealing with cases in ways which are proportionate to the complexity and importance of the issues, avoiding unnecessary formality and seeking flexibility in the proceedings, avoiding delay, so far as compatible with proper consideration of the issues, and saving expense.
5. Consideration of whether reconsideration is “necessary in the interests of justice” allows the Tribunal a broad discretion which must be exercised judicially which means having regard not only to the interests of the party seeking the reconsideration but also to the interests of the other party to the litigation, and to the public interest requirement that there should be so far as possible finality in litigation.

Application for reconsideration

6. The claimant’s grounds for applying for reconsideration, derived from her letter of 3 August 2023 are:
 - a) The claimant attended the telephone call hearing on 25 July 2023 and was waiting but no one else joined the call.
 - b) The claimant emailed the Tribunal and rang the Liverpool and Manchester Tribunal offices and spoke to a clerk but was still not able to join the call.

Decision to reconsider

I have had regard to the overriding objective to deal fairly and justly with this case. I have had regard to the email to the Tribunal by the claimant on 25 July 2023 and the call log showing her calls to the Tribunal and to the telephone hearing line.

I have also had regard to the fact that the claimant had not copied her application for reconsideration to the respondent, so I have done that and allowed 7 days for the respondent to object to the reinstatement of the claim.

Any objections

I consider it would not be in the interests of justice to deny the claimant a chance to have her case heard because she did not attend when in fact, though unbeknown to me at the time, she made every effort to attend.

I have reconsidered my decision to dismiss the claimant’s complaint and for the reasons set out above I revoke that decision dated 25 July 2023 and reinstate the claimant’s claim.

Case No 2408467/2023

Date: 24 August 2023

JUDGMENT SENT TO THE PARTIES ON

Date: 8 September 2023

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FOR THE TRIBUNAL OFFICE