



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs T Coleman

**Respondent:** Home Comfort Care Agency Ltd

## JUDGMENT

The respondent's application dated **26 October 2023** for reconsideration of the judgment sent to the parties on **11 October 2023** is refused.

## REASONS

1. The application was received more than 14 days after the judgment was sent to the parties. However, I am prepared to extend time as a request for written reasons was received within 14 days of the judgment being sent to the parties.
2. The application requests a reconsideration because (a) the respondent had complied with the case management order to provide further particulars of the counterclaim; and (b) the respondent was not given any warning that the counterclaim would be struck out.
3. There is no reasonable prospect of the application to reconsider the judgment succeeding on the basis that the purported further and better particulars were sent to the parties and the Tribunal on 7 July 2023. The Tribunal had sight of those further and better particulars at the time of considering the strike out, the same document having been provided to the Tribunal during the hearing by the claimant's counsel. The attached written reasons explain fully why they were not considered to be compliant with the order of 30 May 2023.
4. Rule 37(2) provides that a claim or response may not be struck out unless the party in question has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing. The respondent's representative had the opportunity to make representations at the hearing. She sought an adjournment for the respondent to seek evidence that the further and better particulars of claim had been submitted. That was refused. The respondent has now submitted that evidence as part of this reconsideration application and for the reasons set out in the written reasons attached, the document still does not comply with the requirements of the case management order and has no reasonable prospects of success.
5. A reconsideration of the strike out decision on notice to the respondent would serve no further purpose and would not be proportionate to the issues in the case. It would unnecessarily increase costs and delay for both parties.

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Employment Judge Armstrong  
Date: 23 November 2023