



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Cato
Respondent: Red House Foods Limited
Heard at: Remotely by Cloud Video Platform (CVP)
On: 23rd November 2023
Before: Employment Judge Lambert

Representation

Claimant: none
Respondent: none

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The judgment of the tribunal is that the Claimant's application for reconsideration is accepted and this case will be relisted for a hearing.

REASONS

1. The Claimant applied for a reconsideration of the judgment dated 15th September 2023 which was sent to the parties on 4th October 2023, dismissing the Claimant's claims due to her non-attendance at the hearing listing on 15th September 2023 ("the **Judgment**").
2. The Claimant's grounds for applying for a reconsideration were set out in her letter received by the Tribunal on 17th October 2023; which was within 14 days of the date the Judgment was sent to the parties.
3. Schedule 1 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 contains the Employment Tribunal Rules of Procedure 2013 ("the Rules"). Under Rule 71 an application for reconsideration under Rule 70 must be made within 14 days of the date on

which the decision (or, if later, the written reasons) were sent to the parties. The application was therefore received within the relevant time limit.

4. The grounds for reconsideration are only those set out in Rule 70, namely that it is necessary in the interests of justice to do so. The grounds relied upon by the Claimant are these:
 - 4.1 the Claimant received the link to the CVP but misunderstood the instructions and assumed she would receive a log-in and password.
 - 4.2 she emailed the Tribunal on 14th September 2023, the day before the hearing, to request the log-in and password. She says she did not receive a reply.
 - 4.3 On the day of the hearing, the start time for the hearing came and then went, but she could not access the hearing. She was worried and emailed the Tribunal. She did not receive a reply.
 - 4.2 She emailed the Tribunal on 19th September 2023 but it was not clear from her letter whether she accepts she received a response.
5. The Respondent was invited to set out its views on the Claimant's application and it provided a response dated 3rd November 2023. Its grounds were:
 - 5.1 the Claimant received an email from the Tribunal on 21st August 2023 setting out details for the hearing and instructions on how to join the hearing. It received the same email.
 - 5.2 On 14th September 2023, the Claimant emailed the Tribunal advising that she did not have link to join the hearing. It says that the Claimant could, and should, have used the telephone number provided to contact the Tribunal directly. She did not.
 - 5.3 On 14th September 2023, the Tribunal responded providing a link for the hearing. Therefore, the Claimant had the requisite details provided to her.
 - 5.4 The Claimant was not actively pursuing the claim. I infer from this that the Respondent considers that the Claimant could have joined the hearing had she wanted to, but she did not.
6. I reviewed the file and noted that at 15:53 on 14th September 2023, in response to an email from the Claimant, the Tribunal sent to the parties a link together with details for accessing the CVP hearing. This was correctly addressed to the Claimant's email address. I was satisfied that the Claimant had received this notice and should have been aware of how to access the

hearing. I note that although the Claimant states she emailed the Tribunal on 15th September 2023, there is no record of the Tribunal receiving an email from her on this date. The next email received from her was on 19th September 2023. I also note that the Respondent did not attend the hearing.

7. Taking all of these matters into account, I am satisfied that the Claimant had difficulties accessing the hearing on 15th September 2023 despite receiving the information confirming how to access the hearing.
8. Whilst there needs to be finality to litigation, in this case it is in the interests of justice to reconsider the Judgment due to the Claimant's inability to access the hearing.
9. Accordingly I accept the application for reconsideration pursuant to Rule 72(1) and set aside the Judgment of 15th September 2023.
10. This matter will be re-listed for public hearing for 2 hours. The parties will receive the date for the hearing in due course. The parties are reminded that they must comply with case management orders set out in the Tribunal's order of 21st June 2023, including the orders dealing with exchange of documentation and trial bundle; witness statements and a schedule of loss for the Claimant confirming how much she is claiming.

Employment Judge Lambert

Date: 23 November 2023

Judgment sent to the Parties: 12 December 2023

FOR THE TRIBUNAL OFFICE