



# EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss N Chaudhry

v

Trustmark Plans Limited

## JUDGMENT ON AN APPLICATION FOR RECONSIDERATION OF A JUDGMENT UNDER RULE 71 OF THE EMPLOYMENT TRIBUNAL RULES OF PROCEDURE 2013

1. The claimant's email of 9 November 2023 is taken to be an application for a reconsideration of the judgment sent to the parties on 9 November 2023 under r.71 of the Employment Tribunal Rules of Procedure 2013. Having considered the application under r.72(1) the employment judge considers that there is no reasonable prospect of the judgment being varied or revoked on those grounds. The application for a reconsideration is rejected.
2. The claimant originally included the name of Mr Neil Briggs, director, as respondent to her claim. However, she had only conciliated in respect of Trustmark Plans Ltd. On 14 January 2022 the claim was rejected for that reason and the claimant asked for a reconsideration saying the claim should have been presented in the name Trustmark Plans Ltd. Although a judge had directed the claim be accepted as against that company, it appears to have been accepted against Mr N Briggs with effect from 14 January 2022.
3. The claimant's request of 14 January 2022 for the name of the respondent to be substituted as Trustmark Plans Ltd was given effect at the hearing before Employment Judge Deeley on 3 August 2022. So far as the tribunal is aware no application was made by the claimant to add a second respondent to the claim at any time prior to her email of 9 November 2023. The contract of employment stated that Trustmark Plans was the employer. She has not set out a basis for joining Trustmark Law Ltd as a respondent now that judgment has been entered against Trustmark Plans Ltd.
4. Interest on the injury to feelings award is awarded from the date of the act to the date of the remedy judgement. In the present case, the claimant succeeded

in a number of her complaints covering a period from 29 September 2021 to 9 November 2021. The start date for calculation of interest is therefore the midpoint between the start and end of the period during which she experienced discrimination and harassment.

5. The loss of earnings is incurred over a period of time starting with the end of her employment. In order that the claimant should not be overcompensated, interest is awarded on the total loss of earnings on the assumption that the loss accumulated evenly over the period from her dismissal on 24 November 2021 and the date of the remedy judgement. For that reason, interest is calculated from the midpoint between those two dates otherwise the claimant would be awarded interest on the assumption that the entirety of her loss of earnings occurred at the date of dismissal which is not the case.
  
6. In those circumstances, there is no error in the start date for the interest calculation.

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Employment Judge George

Date: ...8 December 2023 .....

Sent to the parties on  
22 December 2023...

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For the Tribunal Office