



EMPLOYMENT TRIBUNALS

Claimant: Mrs H Kinch

Respondent: Compassion In World Farming International

JUDGMENT

The claimant's application dated **8 January 2024** for reconsideration of the judgment sent to the parties on **4 January 2024** is refused.

REASONS

1. The application for reconsideration is refused because there is no reasonable prospect of the decision to strike out the claim being varied or revoked.
2. I have now been provided with an application for reconsideration of a judgment together with submissions produced by counsel for the claimant (dated 2 November 2023) which were not previously placed before me.
3. I have considered whether the submissions produced by counsel for the claimant might have resulted in me reaching a different conclusion. I note that the submissions include the contention that; *"In respect of claims for constructive dismissal, extending the period of notice or working for several months after resignation, does not invariably mean that the claimant has affirmed the contract, particularly when the claimant is not at the respondent's premises but may be on sickness absence."*
4. My conclusion in this case was that the claimant had waited too long, she has affirmed the contract by her actions. In reaching his conclusion I recognised that the mere length of time between the resignation and the end of employment is not necessarily an affirmation. In reaching my conclusion I took into account the totality of the circumstances.
5. I have gone on to consider whether the application or reconsideration dated 8 January 2024 gives rise to any matters which ought to result in the

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judgment being reconsidered. I am of the view that there is no reasonable prospect of the judgment being varied or revoked.

Employment Judge Gumbiti-Zimuto

Date 13 February 2024

JUDGMENT SENT TO THE PARTIES ON

28 February 2024

FOR THE TRIBUNAL OFFICE