



EMPLOYMENT TRIBUNALS

Considered at: London South

On: 13 March 2024

By: Employment Judge Ramsden

In the matter of Mrs E Dunstan v Cherish Care for You and Your Home Limited

Consideration of judgment reached on: 2 February 2024

JUDGMENT ON RECONSIDERATION

1. The Claimant's application for reconsideration of the judgment given in this matter on **2 February 2024** is refused, and the decision in that judgment is confirmed.

APPLICATION

2. The Claimant applied, under Rule 71 of the Employment Tribunals Rules of Procedure 2013, for reconsideration of the decision of the Employment Tribunal on 2 February 2024 to order that the Claimant was entitled to be paid a redundancy payment of £1,724.64.
3. The Claimant's reason for applying for a reconsideration is that she considers that she is also entitled to a payment for unpaid notice (as well as the ordered redundancy payment).

REASONS

4. The Claimant's Claim Form was filed on 25 June 2023. The template Claim Form, in section 8.1, asks the claimant to identify the type of claim they are making. The relevant parts of the Claimant's Claim Form for these purposes are described below:

- a) There is a box in that section to confirm "*I am claiming a redundancy payment*", which the Claimant ticked. There is a further box to indicate "*I am owed... notice pay*" - the Claimant did not tick that box.
 - b) There is a free text box below these, that provides the opportunity for a claimant to identify "*another type of claim which the Employment Tribunal can deal with*" – the Claimant left that box blank.
 - c) There was a third opportunity for the Claimant to say that she was claiming notice pay in the free text box 8.2, which invites a claimant to "*set out the background and details of your claim in the space below*". The Claimant did include some detail in that box, but there was no mention in that text of unpaid notice pay.
 - d) In box 9.2, where the Claimant was asked "*What compensation or remedy are you seeking?*", she wrote "*Redundancy payment*".
5. Her application for reconsideration appears to refer to a letter that she wrote to the Tribunal on 27 November 2023, where she refers to her entitlement to notice pay and sets out the sum she believes she was entitled to – but notice pay did not form part of the claim she made to the Tribunal, so this was superfluous information. Indeed, the opening paragraph of that letter again referred to the fact that she was only claiming a redundancy payment, as she wrote "*I am writing to you, as requested in your correspondence of 22nd November 2023, in support of my current claim for redundancy payment v the respondent Cherish Care For You and Your Home Ltd.*"
6. In light of the above, the Claimant has failed to demonstrate that, on the balance of probabilities, it is in the interests of justice that the terms of the judgment issued in her favour should be revoked or varied.

DECISION

7. For all of the above reasons, the Claimant's application fails.

Employment Judge Ramsden

Date 13 March 2024