



EMPLOYMENT TRIBUNALS

Claimant: Mr A Mostafazadeh

Respondent: South Eastern Interiors Ltd

SECOND RECONSIDERATION JUDGMENT

The Respondent's application – received **31 July 2024** - for reconsideration of the Rule 21 judgment, sent to the parties on **16 April 2024** and/or of the first reconsideration judgment, sent to parties on **16 July 2024**, is refused as it has no reasonable prospects of success.

REASONS

1. I set out the relevant rules and principles in the first reconsideration judgment, sent to parties on 16 July 2024. I will not repeat what I said there about Rules 70-72 or about Rule 20 of the Tribunal Rules, or the case law guidance about the correct interpretation and application of those rules. I continue to have that guidance in mind.
2. The Respondent submitted an undated letter, stamped as received by HMCTS on 31 July 2024. The letter was referred to me on 28 August, and was first seen by me on my return from leave on 29 August 2024.
3. The letter states that it is “appeal to outcome 16 July 2024”. The Employment Appeal Tribunal (the EAT) is a separate court, and the details of how to contact it are set out in the covering letters (dated 16 April and 16 July 2024 respectively) which accompanied each judgment. Any application to “appeal”, using the word in its technical sense, would have to be made directly to the EAT, and it would be for the EAT to decide if the application was in time, and complied with the relevant rules. I will treat the letter as an application for me to reconsider my earlier judgments.
4. The two page letter makes assertions that the Respondent was not properly notified and that it has a good defence to the claim and that it would have presented that defence had it been properly notified.

5. Having read the letter and the attachments, I noted that there were some documents which might be relevant, but for which there was no context. On my instructions, a letter was sent dated 30 August 2024 which gave the Respondent the opportunity to address the matters referred to in that letter. The letter gave the Respondent 14 days to reply, but there was no reply within that time frame, or up to today's date. I have therefore made my decisions based on the information/documents on the Tribunal's file.

6. In terms of the notifications sent out by the Tribunal to the Respondent, I have nothing to add to what I said in the first reconsideration judgment. None of the points I made there are specifically addressed by the new application. It is unclear whether the new application asserts that a technically incorrect address was used and therefore the Respondent does not acknowledge that it was validly served, or that no communication was received at all, at either address. In any event, as stated in the reconsideration judgment, communications were sent by the Tribunal to both the registered office address and the address supplied by the Claimant. Not only did the judgment of 16 April 2024 reach the Respondent, so did the 16 July judgment. I remain satisfied – as per paragraphs 22 and 23 of the reconsideration judgment – that the Respondent was aware of the claim.

7. In terms of notifying the Respondent about a hearing date, I have nothing to add to what I said in the first reconsideration judgment. The decision was made without a hearing, and so there was no hearing date to notify to the Respondent.

8. In terms of the Respondent potentially having a valid defence to the claims made by the Claimant, in the particular circumstances of this case, the public interest in the finality of judgment, and the prejudice to the Claimant if the judgment was to be overturned, and an eventual decision delayed, outweighs the prejudice to the Respondent if it is not allowed to raise now a defence which it could and should have raised before the judgment was issued. Nothing in the new application has any reasonable prospect of persuading me that the decisions/reasons in the first reconsideration judgment (including at paragraph 23) were incorrect or that the earlier Rule 21 judgment should be revoked.

Employment Judge Quill

Date: 8 October 2024

JUDGMENT SENT TO THE PARTIES ON

14 October 2024

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FOR THE TRIBUNAL OFFICE