



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Wood

**Respondent:** Tolent Construction Limited “In Administration”

**Rule 96 Party:** Secretary of State for Business and Trade

## JUDGMENT ON RECONSIDERATION

The claimant’s application dated 3 August 2024 for reconsideration of the Judgment sent to the parties on 30 July 2024 is refused.

### REASONS

1. The Tribunal notified the claimant on 3 May 2024 that it was not appropriate to issue a Rule 21 Judgment. It states at the bottom of that letter “The case will therefore be listed for a hearing.” The Tribunal sent the notice of hearing to all the parties on the same day, i.e. 3 May 2024. The notice of hearing stated that the final hearing would take place by video on 10 July 2024 at 2 PM.
2. The Judgment sent to the parties on 30 July 2024 stated that the claimant’s claims had been dismissed on 10 July 2024 because the claimant failed to attend the hearing. The claimant’s application for a reconsideration refers to the documents in paragraph 1, above, and the explanation provided for failing to attend the hearing on 10 July 2024 was that the claimant assumed that the hearing was not going ahead because of the refusal to issue a Rule 21 Judgment. When enquiries were made by the Tribunal on 10 July 2024, the claimant did not answer his mobile telephone or reply to the email from the Tribunal because he was on holiday.
3. The relevant law relating to the reconsideration of a Judgment is set out at Rule 70 to Rule 72 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, Schedule 1.

4. In accordance with Rule 72(1) I find that there is no reasonable prospect of the decision made on 10 July 2024 being revoked or varied. The claimant made a conscious decision not to attend the hearing on 10 July 2024 and he made no attempt to clarify the situation with the Tribunal prior to leaving for his holiday. The claimant also made a conscious decision not to deal with emails or answer his mobile telephone on 10 July 2024 and there was no error on the part of the Tribunal in the way the claimant was notified of the date of the hearing or in their efforts to contact him when he failed to attend. In the circumstances, I find that the claimant has not submitted any grounds which would demonstrate that there is a reasonable prospect of the claimant successfully arguing that it would be in the interests of justice to revoke or vary the decision made on 10 July 2024 and, therefore, the claimant's application is refused.

**Employment Judge Arullendran**

Date: 2 September 2024

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