



EMPLOYMENT TRIBUNALS

Claimant: M Cooney

Respondent: Voltwave Group Ltd

Heard at: Manchester (by CVP)

On: 27 February 2025

Before: Employment Judge KM Ross

REPRESENTATION:

Claimant: In person

Respondent: Did not attend

PRELIMINARY HEARING IN PUBLIC

APPLICATION FOR RECONSIDERATION OF RULE 22 JUDGMENT

The judgment of the Tribunal is as follows:

1. The application is dismissed upon the non-attendance of the Respondent

Reasons

1. The claimant presented a claim against the respondent seeking payment of 4 weeks notice pay, holiday pay and unpaid pension contributions on 14 July 2024. The claim was served on the respondent on 6 August 2024 at their registered office address. The respondent was informed that a response (ET3) was required by 3 September 2024 and that the hearing was listed for 16 January 2025.

2. No response was received. On 25 October 2024, the tribunal wrote to the respondent at the registered office address informing them that as they had failed to file a response a judgement may now be issued.
3. On 25 November 2024, I issued a default judgement under rule 21 of the Employment Tribunal Rules of Procedure 2013 (now known as rule 22 of the Employment Tribunal Rules of Procedure 2024.) It informed the respondent the hearing on 16 January 2025 was cancelled.
4. On 12 December 2024, the respondent wrote to the tribunal stating they had not received notice of the claim. I treated the letter as an application for reconsideration of the judgement and listed a hearing to decide the application to take place on 14 February 2025.
5. On 13 December 2024 the respondent presented an appeal to Employment Appeal Tribunal. (EAT)
6. Unfortunately, for medical reasons I had to postpone the hearing listed on 14 February 2025. It was rearranged for an earlier date, 10 February 2025. The respondent wrote in to say they were abroad on that date. In the circumstances I permitted a postponement and informed the parties by letter dated 6 February 2025 that the hearing was relisted for 27 February 2025.
7. The parties were clearly informed of the new date and advised that any further application for postponement should be supported by medical evidence, if due to illness or evidence of holiday if that was the reason.
8. The respondent failed to attend the hearing. At 9.33am on the morning of the hearing the respondent emailed the Tribunal stating: "Apologies for the short notice but Stanley is unable to attend this today due to work commitments."
9. The respondent was given clear notice of the hearing as was the claimant by letter of 6 February 2025. It was made clear in the letter that if a party could not attend and wanted a postponement, they must provide evidence.
10. Under rule 47 of the Employment Tribunal Rules of Procedure, I have considered the respondent's reason for non-attendance. I am not satisfied that work commitments are a valid reason for the respondent's failure to attend on the day of the hearing. Judicial business must take precedence over work commitments. Neither am I satisfied that the fact the hearing did not proceed on previous occasions is a reason for the respondent's non-attendance. (The respondent referred to a "mix up" about dates in their email to the Tribunal on the morning of the hearing.) The respondent had clear and adequate notice of the hearing today.
11. The respondent's failure to attend is particularly concerning as it is their application to reconsider the default judgment.

12. The short notice of the notification of the respondent's failure to attend has wasted both judicial resources and the claimant's time today.
13. Accordingly, under Rule 47 the respondent's application for a reconsideration of the Judgment issued on 25 November 2024 is dismissed.

Approved by
Employment Judge KM Ross
27 February 2025

Judgment sent to the parties on:
17 March 2025
For the Tribunal:

Public access to employment tribunal decisions

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