



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms. E Oddy

**Respondent:** Pineapple Contracts Unlimited

## JUDGMENT

The Respondent's application dated 7 April 2025 for reconsideration of the judgment given orally to the parties on 21 March 2025 is refused.

## REASONS

1. There is no reasonable prospect of the original decision being varied or revoked, because of the reasons set out below.
2. For completeness, at a preliminary hearing on 21 March 2025 I refused the Respondent's application to strike out the claim on the grounds of:  
  
Rule 38(c) - non-compliance with an Order of the Tribunal;  
Rule 38(d) - that it has not been actively pursued;  
Rule 38(e) - that the tribunal considers that it is no longer possible to have a fair hearing.
3. I gave my decision orally at the hearing and after my decision, when discussing case management, the Claimant revealed that she had been employed on a full-time basis since she left the Respondent and had been working on an off, when she was well enough to do so. She has been working in the office since January 2025.
4. The Respondent asked me to reconsider my decision not to strike out the claim. It was not possible to do this due to time constraints, and therefore I ordered the parties to provide any written submissions relating to the

application to reconsider within 14 days of receiving the record of the preliminary hearing.

5. The Respondent provided submissions on 7 April 2025. The Claimant sent submissions, in response to the Respondent's submissions also on 7 April 2025.
6. In short, the basis of the Respondent's application for reconsideration centers around the Claimant not disclosing that she had been employed full time since she left the Respondent and that this calls into question the Claimant's inability to comply with case management directions due to her health. The Respondent comments on what it considers to be inconsistent and contradictory positions put forward by the Claimant, that she was able to comply with case management orders, that her late disclosure of working was unfair and questions the Claimant's motivation to continue with the claim.
7. The Claimant disagrees with the Respondent's submissions and says she worked from home when she was well enough to do so but that she was able to engage with desk-based work tasks, which were familiar to her and was too unwell to deal with the claim.
8. The final hearing is listed for four days starting on 8 September 2026. A case management preliminary hearing to check progress is listed for 8 January 2026.
9. Since the hearing on 21 March 2025, on review of the electronic file it appears that the Claimant has submitted a Schedule of Loss information about the basis of her claim.
10. I do consider that the Claimant should have more clearly set out her ability to work whilst also being unwell during the preliminary hearing when the application was being determined, so that this could have been considered.
11. However, it is accepted that during the past two years, until very recently, the Claimant has been very unwell.
12. A key factor to consider in whether a claim should be struck out, on the grounds of the application made, is whether a fair hearing is still possible. My decision in relation to whether a fair hearing is still possible remains, notwithstanding that the Claimant has worked for some periods during her significant ill-health. Accordingly, the application for reconsideration is refused and the claim continues.
13. The parties are reminded of my comments in the case management order that any further lack of compliance or delay may result in a fair hearing not being possible and if the Claimant does not actively pursue the claim or properly comply with directions going forward there is a risk of her claim being struck out.

Date: **9 May 2025**

Approved by

JUDGMENT SENT TO THE PARTIES ON

Date: **9 May 2025**

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FOR THE TRIBUNAL OFFICE