Case Number: 3312714/2022

EMPLOYMENT TRIBUNALS

Claimant: Ms C Ritchie

Respondent: Goom Electrical Limited

JUDGMENT

1. The claimant's application dated 8 May 2025 for variation/revocation of the orders made on 14 or 15 April 2025, or reconsideration of the Judgment sent to the parties on 29 April 2025, is refused.

REASONS

1. The Tribunal received an email from the Claimant on 8 May 2025 which stated that the Claimant wished to "apply to the Tribunal under Rule 38(2) of the Employment Tribunal Rules of Procedure 2013, to set aside the 25 April 2024 dismissal order". She makes the point that she has made the application within the 14 day time limit. The Tribunal believes this to be an error on the part of the Claimant with regard to the appropriate rule.

2. Rule 38(2) of the 2013 Rules refers to an application to set aside an unless order and a 14 day time limit to make such an application. No such order was made in this case and the claims were not dismissed as a result of non-compliance by the Claimant with an unless order. There is therefore no relevant dismissal of the claim to apply to set aside.

3. The Respondent's response asserts that the Claimant is making an application under rule 37(1) Tribunal Rules 2013 (now rule 28 Tribunal Rules 2024) to strike out the response. Upon reading the Claimant's application, it does not appear that she is making that application. The rest of the Respondent's submission was taken into account in making this decision.

4. The Tribunal believes the Claimant is referring to the oral decision given by the Tribunal on 14 April 2025 (day 1 of the hearing) in relation to an application by the Respondent to strike out the claim on the basis it was

misconceived and had no prospects of success. That application was dismissed on the basis that under rule 38(2) Rules 2024; "*A claim, response or reply may not be struck out unless the party advancing it has been given a reasonable opportunity to make representations either in writing or if requested by the party at a hearing*".

5. Neither party drew the Tribunal's attention at the time, to the fact that such an application had to be made on notice. The Tribunal therefore noted rule 38(2) and decided that as the Claimant had not been placed on notice of the application, it would be dismissed.

6. The Tribunal can see no reason why the Claimant would now request reconsideration of that decision. Firstly as it would potentially not be in the Claimant's interest, but also because the hearing went ahead, both parties were able to represent themselves and a judgment was given on all the issues, dismissing all the Claimant's claims. There would be no reason to overturn that decision in the interests of justice.

7. Finally, but most importantly, the Claimant's application for reconsideration (if that is what she means) is misconceived, as the decision taken was a case management order and not a judgment. It is therefore not subject to rule 68 Tribunal Rules 2024. However, even if the Claimant is mistaken once again about the relevant rules, there would be no reason to vary or revoke the dismissal of the strike out application.

8. Alternatively, If the Claimant's application is in relation to her own application on day 2 of the hearing to strike out the response, on the basis that the Respondent had failed to provide the bundle and witness statements in accordance with the orders; that too would not be subject to rule 68 but to rule 30. Once again, there are no reasons to consider that it would be in the interests of justice to overturn that decision. The parties were able to proceed through the whole hearing, give evidence and make submissions. The Claimant did not, at any time say that she was not prepared or not able to continue. The Tribunal explained the process as we went along and checked at each stage and the end of each day, that the Claimant knew what was expected of her the following day and that she had time to prepare.

9. The remainder of the Claimant's application appear to be points about the internal procedure adopted by the Respondent. These are points which either were made at the hearing, or could have been made by the Claimant. To the extent that they constitute an application for reconsideration of the Judgment dismissing the Claimant's claims, the Tribunal considers that these points do not persuade the Tribunal that it would be in the interests of justice to reconsider the Judgment. They do not go to the heart of the complaints made, as being discriminatory acts.

Date: 5 August 2025

Approved by

Employment Judge Cowen

JUDGMENT SENT TO THE PARTIES ON

12 August 2025

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FOR THE TRIBUNAL OFFICE