



EMPLOYMENT TRIBUNALS

Claimant: Mr C Sharp

Respondent: Springfields Convenience Store Limited

RECONSIDERATION - ORDER

1. Pursuant to Rule 72(1) of the Employment Tribunal Rules of Procedure 2013 the respondent's application for the Judgment dated 26 June 2025 (the "**Judgment**") to be reconsidered is refused.

REASONS

1. The respondent emailed the Tribunal on 7 July 2025 stating that he wished to appeal the Judgment and that his solicitor would be in touch with the Tribunal in due course. The application was referred to me on 29 July 2025, during a period of leave. The respondent's email has been treated as an application for reconsideration of the Judgment (the "**Application**").

Reconsideration provisions

2. The purpose of the reconsideration provisions in the 2024 Rules is to decide whether the Tribunal's judgment on a particular claim should be confirmed, varied or revoked.
3. Rules 68-70 of Schedule 1 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2024 (the "**2024 Rules**") set out the requirements for a reconsideration application.
4. I note that Rule 68 permits the Tribunal to "*reconsider any judgment where it is necessary in the interests of justice to do so*". The EAT confirmed in *Outasight VB Limited v Brown UKEAT/0253/14* that the caselaw guidance relating to the equivalent 'review' provisions under the previous 2004 Rules also applied to later versions of the Rules. This guidance includes:
 - 4.1. that public policy requires that there must be finality in litigation;
 - 4.2. a failure by one side to draw attention to a particular argument will not generally justify reconsideration; and
 - 4.3. '*in the interests of justice*' means the interests of justice to both sides.

5. I have decided that the application does not identify any basis on which it would be necessary in the interests of justice to reconsider the Judgment for the reasons set out below:
6. The claimant submitted his claim form to the Tribunal on 12 December 2024, complaining of constructive unfair dismissal, unauthorised deductions from wages and failure to pay holiday pay. The claimant also complained that he had not been provided with a contract of employment. The parties agreed a settlement of the claimant's complaints of unauthorised deductions from wages and holiday pay via ACAS conciliation before the hearing. They did not settle the claimant's complaint of unfair dismissal or failure to provide a written statement of terms and conditions.
7. The Tribunal served the claim form and notice of hearing on the respondent by letter dated 5 March 2025. The letter notified the respondent of the claim and stated:

"If you want to defend it, you must complete the response form and submit it to the Employment Tribunal by one of the methods below.

It must be received by the Tribunal Office by 2 April 2025. If it is not, a Judgment may be issued against you."

8. The respondent's sole director is listed on Companies House as being Ms C Khela. Mr H Khela stated that his parents own the company but that they are retired. The respondent did not submit a response to the claim and did not apply for an extension of time to submit a response.
9. Mr Khela contacted the Tribunal on 17/18 and on 24 June 2025, asking to postpone the hearing due to his ill health. He then sent to the Tribunal a copy of his application for statutory sick pay to HMRC. That form stated that his sickness absence started on 1 April 2025. Mr Khela did not provide a GP's note or state when he would be well enough to attend the hearing. The Tribunal refused the respondent's postponement application on the basis that he had not provided medical evidence of his absence.
10. Mr Khela attended the hearing of this claim and represented the respondent. The respondent was not entitled to participate in the proceedings because the respondent had not submitted a response to the claim. However, I permitted him to comment on the claimant's evidence and took into account his comments when reaching the decisions set out in this Judgment. Mr Khela did not produce any documents relating to the claimant's employment or his pay during the hearing.
11. Mr Khela states the basis of the Application as follows:

"The calculations are incorrect. The claimant worked 34 hours per week for us. If he is saying he worked more than this he needs to provide evidence of this. I would like to see a full break down of these calculations as I don't agree with them."

12. The claimant stated in his ET1 that he worked for the respondent for 38 hours per week and gave details of his gross and net weekly pay. We discussed the calculation of the claimant's award in detail during the hearing. The Judgment sets out a full breakdown of the calculation of the claimant's award.

13. Mr Khela did not state at the hearing that the claimant worked 34 hours per week. He did not provide any evidence of the hours worked by the claimant during his employment with the respondent at the hearing of the claim, such as payslips. He has also not provided any such evidence with the Application. There is therefore no reasonable prospect of the Judgment being varied or revoked. The reconsideration application is therefore refused.

Employment Judge Deeley

16 September 2025