



EMPLOYMENT TRIBUNALS

Claimant: Ms L Allen

Respondent: Abele Care Limited

DECISION ON RECONSIDERATION APPLICATION

The respondent's application dated 12/2/26 for reconsideration of the judgment sent to the parties on 5/2/26 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. Rule 69 of the Employment Tribunal Rules 2024 requires that an application for reconsideration is made within 14 days of the written record being sent to the parties. The respondent made an application for reconsideration on the 12/2/26, after receipt of a reserved judgment on liability and remedy on the 5/2/26. The application for reconsideration is therefore made in time.

2. Rule 70 (1) of the Employment Tribunal Rules 2024 provides:

"An Employment Judge shall consider any application made under rule 69. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. ..."

3. The application for reconsideration appears to be made on the following grounds:

- (a) The tribunal did not consider the nature of the respondent's business and the paying ability of the respondent;
- (b) There was an error in grossing up the ACAS uplift;
- (c) The tribunal did not give reasons for a refusal of a stay application made at the hearing.

It appears the grounds put forward relate primarily to the remedy aspect of the hearing.

4. I deal with each of the points put forward by the respondent below.

(a) On the 22/8/25 Employment Judge Perry rejected the respondent's response under rule 19 Employment Tribunal Rules 2024 and directed the respondent to only participate at final hearing to the extent allowed by the Employment Judge. On the 1/10/25, Employment Judge Hindmarsh refused the respondents' application for reconsideration of this decision. An appeal is pending at the EAT in respect of this decision. Ms Hussain attended the final hearing on behalf of the respondent and remained throughout the hearing. She confirmed the respondent had not lodged any documents in the case and accepted that she was limited to representations on remedy. I allowed Ms Hussain to ask questions of the claimant in evidence in respect of remedy. Subsequently, I asked if Ms Hussain had any submissions to make on remedy issues, and she confirmed she did not. This was the respondent's opportunity to give any relevant information, for example about the nature and type of the respondent's business, and its ability to pay. The respondent did not provide this information.

(b) I allowed an ACAS uplift of £2,064.23 in relation to the compensatory award for automatic unfair dismissal. I did not gross this up in my calculations and explained at paragraphs 69 and 70 of my judgment that I had not grossed up any part of the award made.

(c) I refer at paragraph 5 of my judgment to the respondent's application for a stay of proceedings which was made on the 9/11/25. I summarised the position in that paragraph, the claimant opposed the application in an e mail dated 25/11/25, and Employment Judge Maxwell refused to stay the proceedings, directing the hearing listed on the 26/11/25 remain listed. In relation to this decision, reasons were given by my colleague for his decision in an e mail. I have checked my notes of hearing and have no record of the respondent renewing its application for a stay of proceedings at the start of the 26/11/25 final hearing, or of any submissions made by the claimant in response. On the basis that I did not hear such an application, I would not be required to give any reasons.

5. I note the respondent also seeks a stay of the proceedings at this stage, which is a separate application to the request for a reconsideration. I will seek representations on the stay from the claimant and deal with that separately.

6. In respect of the application for reconsideration, I have exercised my discretion to refuse the application for reconsideration, as there is no reasonable prospect of the judgment being varied or revoked.

Date: 01/03/26

Approved by

Employment Judge Beck