



EMPLOYMENT TRIBUNALS

Claimant: Mr O Olaogun

Respondent: Leatherback Limited

JUDGMENT FOLLOWING RECONSIDERATION

The respondent's application dated 16 December 2025 for reconsideration of the judgment sent to the parties on 4 November 2025 is refused.

REASONS

1. It is not necessary in the interests of justice to reconsider the judgment as there are no reasonable prospects of the original decision being varied or revoked.
2. The respondent's application for reconsideration relies upon five points arising from the central argument that the respondent did not receive the notice of claim and accompanying documents sent to the respondent by the Employment Tribunal on 5 February 2025. The respondent's points are:
 - 1) Default Judgment Entered Without Proof of Service
 - 2) Denial of the Respondent's Right to a Fair Hearing
 - 3) Procedural Irregularity and Inequality of Arms
 - 4) Promptness Upon Knowledge
 - 5) Existence of an Arguable Defence

Background

3. The claimant presented a claim form (ET1) to the Employment Tribunal on 20 January 2025. The claimant claimed unfair dismissal and breach of contract.
4. On 5 February 2025 the Employment Tribunal sent to the respondent a notice of claim including the ET1, details of how and by when to respond to the claim, case management orders and a notice of hearing taking place by video on 15 and 16 July 2025. The notice of hearing included the digital link to join the hearing and the relevant PIN number. These documents were sent to the respondent, by post, at the address provided by the claimant on

the ET1. The documents were not returned to the Employment Tribunal by the postal service as having been undelivered.

5. On 19 March 2025 the claimant emailed the respondent. This email stated the Employment Tribunal claim number and case name and referred to an Employment Tribunal hearing and a 'schedule' set by the Employment Tribunal. The body of the email set out the compensation the claimant was claiming.
6. On 1 April 2025 the claimant emailed the respondent and the Employment Tribunal. This email was sent to Oyinkansola Adeiye (the respondent's Head of Human Resources), another named individual at the respondent and the generic Human Resources address at the respondent. This email referred to directions due by 2 April 2025 from both parties.
7. On 4 April 2025, Oyinkansola Adeiye, Head of Human Resources at the respondent, replied to the Claimant's email of 19 March 2025 and copied the response to the Employment Tribunal, to a generic respondent Human Resources email, to another individual at the respondent and to ACAS. This email acknowledged receipt of the claimant's email of 19 March 2025 and stated that a substantive response would be provided as soon as possible.
8. On 14 April 2025 the claimant sent an email to the Employment Tribunal, Oyinkansola Adeiye, another individual at the respondent and a generic HR address at the respondent. This email stated that the respondent had failed to comply with the Employment Tribunal's directions.
9. On 30 April 2025 the claimant sent further correspondence to the respondent and the Employment Tribunal. The correspondence was sent to Oyinkansola Adeiye and another individual at the respondent and attached the evidence the claimant intended to rely upon and a witness statement consisting of a schedule of events.
10. The respondent did not attend the first day of hearing on 15 July 2025. The hearing proceeded in the respondent's absence. The respondent did not attend on 16 July 2025 which was the second and final date of the hearing. Judgment on liability with reasons was delivered orally at the hearing on 15 July 2025. Judgement on remedy was delivered orally at the hearing on 16 July 2025.
11. A judgment was sent to the parties on 4 November 2025. The judgment was sent to the respondent by post at the address provided by the claimant in the ET1 and the same address as was used for sending the ET1 and other documents to the respondent on 5 February 2025. The parties were advised in the covering letter to the judgment that there are strict time limits of 14 days for requesting written reasons for the judgment and for requesting reconsideration of the judgment. An application for reconsideration of the judgment was received from the respondent, by email, on 16 December 2025.

Respondent's point 1:

12. The respondent was properly served by post on 5 February 2025. The documents were not returned to the Employment Tribunal as undelivered. Service is deemed to have taken place on the second day after posting, excluding Sundays and Bank Holidays. Where documents have been correctly posted, the burden of proving that the documents were not received lies with the party alleging non-receipt.
13. The judgment was posted to the same address as the notice of claim and was received, showing that the address was correct.
14. The respondent was provided with a claim number, a case name and information indicating directions made by the Employment Tribunal by the claimant's email of 19 March 2025. The respondent's acknowledgment of that email to the claimant and which the respondent copied to the Employment Tribunal, indicates no surprise or lack of understanding of the purpose or content of the email. Later emails to the respondent indicated the claimant was complying with directions from the Employment Tribunal and there was no response from the respondent indicating surprise or a lack of understanding of the purpose of those emails. The respondent has acknowledged in its application for reconsideration that it did receive correspondence from the claimant about the claim against it, including receipt of the claimant's witness statement. At no time did the respondent make enquiries of the Employment Tribunal or question the claimant about the emails he was sending. This indicates a knowledge and understanding of the situation, i.e. that an Employment Tribunal claim had been issued against it.
15. The respondent has failed to prove on the balance of probabilities that it did not receive the necessary documents from the Tribunal.
16. On the balance of probabilities, I find that the respondent did receive the notice of claim, ET1, details of how to respond to the claim, notice of hearing and related documents.

Respondent's point 2:

17. As the respondent has failed to discharge the burden of proof (above), I find that the respondent was aware of the claim against it, had the opportunity to file a response to the claim, was aware of the hearing dates, had the opportunity to challenge the claimant's evidence and had the opportunity to make submissions. I find that the respondent was not denied the right to a fair hearing.

Respondent's point 3:

18. The respondent states that it was afforded no opportunity to participate in the hearing process in that it had no opportunity to comply with the Employment Tribunal's directions, to file evidence and witness statement(s) and to seek procedural accommodations from the Employment Tribunal and that this was not through choice but through lack of notice.

19. I have found that the respondent did receive the ET1, notice of hearing, directions and related documents sent on 5 February 202. The respondent has also confirmed that it had received correspondence from the claimant during and related to the Employment Tribunal process, including the claimant's witness statement. There was no inequality of arms in this respect.

Respondent's point 4:

20. The Respondent states that it acted promptly and responsibly upon becoming aware of the Judgment in November 2025. No reference is made in the respondent's application for reconsideration of rule 69 of the Employment Tribunal Rules of Procedure 2024 which gives a party fourteen days from the date judgment is sent to the parties to apply for reconsideration of that judgment. The application for reconsideration was made forty-two days after the judgment was sent to the parties and the respondent has offered no explanation for the delay. I do not accept in these circumstances that waiting six weeks to take action on a judgment equates to the respondent acting promptly upon becoming aware of the judgment.

Respondent's point 5:

21. The respondent states that it has an arguable defence to the claimant's claims. However the time to put forward its defence was in its response to the claim form and at the hearing which I find it had the appropriate opportunity to do.

Law

22. The only ground for reconsideration of a judgment is if it is necessary in the interests of justice (rule 68 of The Employment Tribunal Procedure Rules 2024).
23. In considering the respondent's application for reconsideration I must give effect to the overriding objective to deal with cases fairly and justly (rule 3 of The Employment Tribunal Procedure Rules 2024). I must have regard to the interests of the respondent, the claimant and to the public interest requirement that there should, so far as possible, be finality of litigation.

Conclusion

24. I find that there has been avoidance of the Tribunal process by the respondent at every stage, including in the delay in requesting a reconsideration of the judgment.
25. The respondent has failed to prove that it did not receive notice of the claim or the hearing and therefore I find that the respondent received the necessary documents but decided not to engage with them. In addition, the respondent was clearly aware, via correspondence from the Claimant, that there was a claim in process, that directions had been issued and that action was expected of the respondent. Apart from one acknowledgement email, the respondent ignored the claimant's correspondence and the Employment Tribunal's expectations of the respondent and made no attempt to engage

with the claimant, the Employment Tribunal or the claim and hearing process until six weeks after judgment was sent to the parties.

26. The claimant would be disadvantaged by having to go through a reconsideration process and to an even further extent in the event of a rehearing of his claim. A reconsideration hearing adds delay and expense to the parties and to the Employment Tribunal service and public purse. In contrast, the respondent made a decision not to engage with the Employment Tribunal process and it is not unjust that the respondent not be given a second bite at the cherry now that it has decided to engage, belatedly, with the process.
27. I find that it is not necessary in the interests of justice to reconsider the judgment sent to the parties on 4 November 2025. The respondent's application for reconsideration is refused.

**Approved by:
Tribunal Judge Overton, acting as an
Employment Judge
Dated: 15 April 2026**