



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr I Wolfe

**Respondent:** Charles Goodwin

## JUDGMENT

### REASONS AND RECONSIDERATION

1. The respondent's application for reconsideration of the judgment sent to the parties on 26 February 2026 is refused.

### REASONS

2. On 26 February 2026 the parties were sent a judgment issued under Rule 22 (the "**Judgment**") which provided:

*"1. The claim was presented in the Bristol Employment Tribunal on 24 April 2025.*

*2. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim, or part of it, in accordance with Rule 22 of the Rules of Procedure.*

*3. The respondent has made unauthorised deductions from the claimant's wages and must pay the claimant £8,475 (gross).*

*4. The claimant was dismissed in breach of contract in respect of notice and the respondent must pay damages to the claimant of £2,000 (gross).*

*5. The respondent has failed to pay the claimant's holiday entitlement and must pay the claimant £1,900 (gross)."*

3. On 11 March 2026 the Respondent made a request for written reasons and for reconsideration as follows:

*"I request written reasons for the judgment issued in case number 6011472/2025 (Mr I Wolfe v Charles Goodwin) on 26 February 2026. I require those reasons to consider and pursue an application for reconsideration.*

*I apply for the Tribunal to reconsider and set aside the judgment in the interests of justice on the following grounds.*

*First, I did not receive the Notice of Claim or the Rule 21 warning in time to respond: the Tribunal's file shows the judgment was issued on 26 February 2026, I received the judgment by post on 27 February 2026, and I only received the Rule 21 warning on 4 March 2026. As a result I had no opportunity to file a response before judgment was entered.*

*Second, I repeatedly requested that all Tribunal correspondence be sent to me by email (most recently on 17 October 2025); despite those requests the Tribunal continued to send documents by post, which I receive late or not at all. I will provide copies of my emails and a short timeline of when documents were received in support of this application.*

*The claim is brought against me personally. I deny that I employed Mr Wolfe in a personal capacity. Mr Wolfe was engaged as a subcontractor by French Global Solutions Ltd; any contractual or payment relationship was with that company, not with me personally. I therefore deny liability for employment claims for notice pay, holiday pay, or unauthorised deductions against me personally. If the Tribunal permits, I will file a substantive ET3 and attach documentary evidence supporting this position.*

*Accordingly, I ask the Tribunal to:*

*Provide written reasons for the judgment dated 26 February 2026;  
and*

*Treat this email as an urgent application to reconsider and set aside the judgment on the grounds of non-receipt and procedural unfairness, and to permit me to file a late ET3.*

*Please confirm receipt of this email and, if reconsideration or an extension of time is granted, confirm the new deadline for filing a response. Please send all future correspondence and full case documentation by email to:*

*[...]*

*I will submit any necessary supporting documents as soon as possible.*

*Yours faithfully, Charles Goodwin Director, French Global Solutions Ltd"*

4. With that correspondence the Respondent attached 'Word' documents labelled as follows:

- 4.1 ET3 Response
  - 4.2 Witness Statement of Charles Goodwin
  - 4.3 Timeline statement
  - 4.4 CG4 - FGS Ltd. Bank statement showing Wolfe payments
5. For the avoidance of doubt the Word document ET3 Response was not accompanied by an ET3 response form and it did not add anything material to the other documents attached which were as follows.
6. The witness statement said:

*“Witness Statement of Charles Goodwin*

*[...]*

*This statement is true to the best of my knowledge and belief and sets out the facts relevant to my application for reconsideration and my response to the claim brought against me personally.*

**1. My role and the nature of the engagement**

*1. I am a Director of French Global Solutions Ltd (“FGS Ltd”), a UK-registered company.*

*2. At no time did I personally employ the claimant, Mr I Wolfe.*

*3. Mr Wolfe was engaged by FGS Ltd as a self-employed subcontractor to provide unskilled labouring services.*

*4. Any contractual relationship, invoicing, or payments were between Mr Wolfe and FGS Ltd, not me personally.*

*5. I did not enter into any employment contract with Mr Wolfe, nor did I pay him from my personal bank account.*

*6. The company ceased using Mr Wolfe’s services because he repeatedly failed to attend scheduled work, which caused commercial loss. This was a business decision relating to subcontractor performance, not the dismissal of an employee.*

**2. The claim brought against me personally**

*7. The claim has been issued against me as an individual, not against FGS Ltd.*

*8. I deny that I am personally liable for any employment-related remedies such as notice pay, holiday pay, or alleged unauthorised deductions.*

*9. Such remedies require an employment relationship, and none existed between Mr Wolfe and me personally.*

10. *If the claimant seeks sums arising from subcontracted work, those would be matters between him and FGS Ltd, not me.*

### **3. Timeline of Tribunal correspondence and service issues**

11. *According to the Tribunal's own records, the claim was presented on 24 April 2025, and the Notice of Claim was issued on 16 May 2025 with a response deadline of 13 June 2025.*

12. *I did not receive the Notice of Claim at that time.*

13. *On 17 October 2025, I contacted the Tribunal and requested that all correspondence be sent to me by email, as I frequently receive post late or not at all.*

14. *Despite this request, the Tribunal continued to send documents by post.*

15. *On 26 February 2026, the Tribunal issued a judgment under Rule 21.*

16. *I received the judgment letter by post on 27 February 2026. This was the first time I became aware that judgment had been entered.*

17. *On 4 March 2026, I received the Rule 21 warning letter by post. This arrived after the judgment had already been issued.*

18. *I therefore had no opportunity to file a response before judgment was entered.*

19. *I believe the failure to serve documents by email, despite my explicit request, deprived me of a fair opportunity to participate in the proceedings.*

### **4. My application for reconsideration**

20. *I have applied for the judgment to be reconsidered and set aside in the interests of justice.*

21. *My grounds are:*

- I did not receive the Notice of Claim or the Rule 21 warning in time to respond.*
- I had expressly requested email service, but documents continued to be posted.*
- I only became aware of the judgment on 27 February 2026, after it had already been issued.*
- The claim is misconceived as it is brought against me personally, despite the claimant being engaged by FGS Ltd.*

22. *If the Tribunal sets aside the judgment, I will file a full ET3 and provide documentary evidence including:*

- *Companies House records for FGS Ltd;*
- *Company bank statements;*
- *Copies of my emails requesting email service;*

**5. Additional information**

*Mr Wolfe was engaged as a self-employed subcontractor and was not on FGS Ltd's payroll. He did not provide a contract of employment and did not produce any payslips. The company made gross transfers to Mr Wolfe from the company bank account; those transfers are shown in Exhibit CG4. Taken together with the absence of any payroll records or payslips, these facts support my position that Mr Wolfe was not an employee of FGS Ltd.*

*I reserve the right to apply for an award of costs against the claimant if the Tribunal finds that the claim was unreasonably brought or conducted against me personally. I say this because the claim was issued against the wrong legal person despite the claimant's engagement being with French Global Solutions Ltd, and because I repeatedly requested email service which was not followed, causing procedural unfairness and unnecessary expense and time."*

7. The timeline statement said:

*"I, Charles Goodwin (Director, French Global Solutions Ltd), make the following statement of truth about the service and receipt of tribunal documents in case 6011472/2025 (Mr I Wolfe v Charles Goodwin).*

*1. 24 April 2025 — Claim presented to the Bristol Employment Tribunal.*

*2. 3 April 2025 — Tribunal recorded receipt of the ET1 (date shown on claim form).*

*3. 16 May 2025 — Notice of a Claim dated 16 May 2025 was issued by the Tribunal (response deadline 13 June 2025).*

*4. 17 October 2025 — I repeatedly requested that all Tribunal correspondence be sent to me by email.*

*5. 26 February 2026 — Tribunal file shows judgment was sent to the parties.*

*6. 27 February 2026 — I received a judgment letter by post (first time I became aware a judgment had been issued).*

*7. 4 March 2026 — I received a Rule 21 warning letter by post (this arrived after the judgment).*

*Statement: I did not receive the Notice or Rule 21 warning in time to respond. I repeatedly requested email service but the Tribunal continued to post documents. I only became aware of the judgment when I received the judgment letter on 27 February 2026 and therefore had no opportunity to file a response before judgment was entered. I believe this deprived me of the opportunity to defend the claim. I confirm the facts above are true to the best of my knowledge and belief.”*

8. The ‘bank statement’ appeared to be a spreadsheet headed French Global Solutions Ltd Account Statement 2024 with summaries of amounts said to have been paid to Lewis Wolfe. It did not appear to be a formal bank statement.

9. On 31 March 2026 the Tribunal wrote to the Respondent as follows:

*“Employment Judge Woodhead on 30 March 2026 asked me to write as follows:*

*The Respondent’s correspondence of 11 March 2026 has been referred to me.*

*The Tribunal sent correspondence by email to the Respondent on 30 November 2026 (attaching the Notice of Claim, ET1, ECC and blank ET3 form) saying*

*“The Employment Tribunal has no power to extend time for the presentation of a response after the original time limit has expired. The Respondent must, pursuant to Rule 21, submit to the Tribunal, with a copy to the Claimant, a draft response together with an application for it to be accepted out of time as soon as they are able. It is in their interests to do so as swiftly as possible” (“the 30 November 2025 Email”).”*

*Accordingly, by 14 April 2026 the Respondent shall explain in writing to the Tribunal (copied to the Claimant) on what basis, in light of the 30 November 2025 Email and its attachments, he asserts in his correspondence of 11 March 2026, that he had “no opportunity to file a response before judgment was entered”*

10. The “Response Rejection” document sent with the 30 November 2025 Email was clear on the potential implications of the Respondent failing to have a response accepted. It said:

*“Q. What happens if I don’t send my response back or an extension of time is refused?*

*A. A judgment may be issued against you and you will only be entitled to take part in any hearing to the extent permitted by the Employment Judge who hears the case.”*

11. On 28 April 2026 the Tribunal wrote again to the Respondent as follows:

*“Pursuant to Tribunal correspondence of 31 March 2026 (the “ET Email”) the Respondent was, by 14 April 2026, to have written to the Tribunal (cc’ the Claimant) to explain on what basis, in light of the 30 November 2025 Email and its attachments, the Respondent asserted in his correspondence of 11 March 2026, that he had “no opportunity to file a response before judgment was entered”. Accordingly, the Respondent’s request for reconsideration shall be treated as withdrawn unless the Respondent sends to the Tribunal and to the Claimant the explanation required in the ET Email by no later than 4pm on 6 May 2026.”*

12. The Respondent replied that day as follows:

*“Further to the Tribunal’s email of 31 March 2026, I provide the requested explanation as to why I stated in my correspondence of 11 March 2026 that I had “no opportunity to file a response before judgment was entered”.*

*1. Non-receipt of documents in time to respond As set out in my Timeline Statement and Witness Statement:*

- *I did not receive the Notice of Claim or the Rule 21 warning in time to respond.*
- *I expressly requested email service on 17 October 2025 because I frequently receive post late or not at all.*
- *Despite this, correspondence continued to be sent by post.*
- *I only became aware of the judgment when I received it by post on 27 February 2026.*
- *The Rule 21 warning letter arrived even later, on 4 March 2026, after judgment had already been issued.*

*Accordingly, I had no opportunity to file an ET3 before judgment was entered.*

*2. The claim is brought against the wrong legal person For completeness, and as already set out in my ET3 and witness evidence:*

- *I did not employ the claimant personally at any time.*
- *The claimant was engaged as a self-employed subcontractor by French Global Solutions Ltd, not by me.*
- *He was not on PAYE for FGS Ltd, and no employment relationship existed with me personally.*
- *All payments were gross subcontractor transfers from the company bank account, as shown in Exhibit CG4.*

*I therefore respectfully maintain that the judgment should be Reconsidered so that I may file a full ET3 and the Tribunal may determine the matter on its merits."*

## REASONS FOR THE JUDGMENT

13. The reasons for the Judgment were largely set out (albeit not with the label "reasons") in the Judgment but for the avoidance of doubt were as follows:
  - 13.1 The claim was presented in the Bristol Employment Tribunal on 24 April 2025.
  - 13.2 Whilst the Respondent may not have received the original notice of claim:
    - 13.2.1 he corresponded with the Tribunal by email on 17 October 2025 (saying *"After speaking to one of your members of staff today to find out further details about this claim I have been advised to request an extension of time to respond to the claim in the above matter and ask that all future correspondence and full case documentation be sent to me by email at this address. I did not receive any prior correspondence about this claim prior to a letter dated 14 October 2025 which incorrectly states that I "did present a response to this claim." Please treat this as my formal notice that I have not submitted a response and that the first correspondence I received concerning this matter is the letter dated 14 October 2025. I require the extension because I have not yet had the opportunity to review this matter. Please confirm the new deadline for submitting a response and provide copies of all documents currently held on the file, including the claimant's claim form, any tribunal directions, and any correspondence relied upon by the tribunal or the claimant. Please send these documents in PDF format where possible. Guidance from the Employment Tribunals confirms email as an acceptable method of communication for case correspondence and directions"*);
    - 13.2.2 on 17 November 2025 the Tribunal sent him an email notice of the rejection of his response;
    - 13.2.3 on 25 November 2025 the Respondent replied *"I can't provide a response until I receive a copy of the notice of claim. Please see the previous email below. I look forward to hearing from you."*
    - 13.2.4 The Respondent received the 30 November 2025 Email which was entirely clear and provided all necessary information and documents;
    - 13.2.5 The Respondent nonetheless failed to present a valid response on time.
  - 13.3 A determination could properly be made of the claim on the papers in accordance with Rule 22 of the Rules of Procedure.

## RECONSIDERATION

14. I have undertaken preliminary consideration of the Respondent's application for reconsideration of the Judgment.

### **The Law**

15. Rules 68 to 71 of The Employment Tribunal Procedure Rules 2024 (the “Rules”) provide:

#### ***Reconsideration of judgments***

##### ***Principles***

68.—(1) *The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.*

(2) *A judgment under reconsideration may be confirmed, varied or revoked.*

(3) *If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so, the Tribunal is not required to come to the same conclusion.*

##### ***Application for reconsideration***

69. *Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of—*

(a) *the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or*

(b) *the date that the written reasons were sent, if these were sent separately.*

##### ***Process for reconsideration***

70.—(1) *The Tribunal must consider any application made under rule 69 (application for reconsideration).*

(2) *If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.*

(3) *If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the*

*application can be determined without a hearing. The notice may also set out the Tribunal's provisional views on the application.*

*(4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard to any written representations provided under paragraph (3), that a hearing is not necessary in the interests of justice.*

*(5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the application.*

**Reconsideration by the Tribunal on its own initiative**

*71. Where the Tribunal proposes to reconsider a judgment on its own initiative, it must inform the parties of the reasons why the decision is being reconsidered and the judgment must be reconsidered (as if an application had been made and not refused) in accordance with rule 70(3) to (5) (process for reconsideration).*

16. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment (Rule 68).
17. Rule 70(2) empowers me to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.
18. The importance of finality was confirmed by the Court of Appeal in **Ministry of Justice v Burton and anor [2016] EWCA Civ 714** in July 2016 where Elias LJ said that:

*“the discretion to act in the interests of justice is not open-ended; it should be exercised in a principled way, and the earlier case law cannot be ignored. In particular, the courts have emphasised the importance of finality (Flint v Eastern Electricity Board [1975] ICR 395) which militates against the discretion being exercised too readily; and in Lindsay v Ironsides Ray and Vials [1994] ICR 384 Mummery J held that the failure of a party's representative to draw attention to a particular argument will not generally justify granting a review.”*

19. Similarly in **Liddington v 2Gether NHS Foundation Trust EAT/0002/16** the EAT chaired by Simler P said in paragraph 34 that:

*“a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or by adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with*

*the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered.”*

20. In common with all powers under the Rules, preliminary consideration under Rule 70 (2) must be conducted in accordance with the overriding objective which appears in Rule 3, namely to deal with cases fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, and avoiding delay. Achieving finality in litigation is part of a fair and just adjudication.

### **Conclusion on application for reconsideration**

21. Having considered all the points made by the Respondent I am satisfied that there is no reasonable prospect of the original decision being varied or revoked. In particular:

21.1 Any earlier service defects were cured by the 30 November 2025 Email.

21.2 The Respondent has not provided a satisfactory explanation for his failure to submit a valid response after receipt of the 30 November 2025 Email which provided the Respondent with all the information that the Respondent needed to submit a response on the ET3 form with an application for an extension of time.

21.3 The Response Rejection document was clear on the potential implications of the Respondent failing to have a response accepted.

21.4 The Respondent says that he did not receive the Tribunal’s letter of 30 January 2026 (which said *“You did not present a response to this claim. Under rule 22 of the Employment Tribunal Rules of Procedure, a judgment may now be issued. You are entitled to receive notice of any hearing, but you may only participate in any hearing to the extent permitted by the Employment Judge who hears the case.”*) until after the Judgment was issued.

21.5 However, prior to that the Tribunal had referred the Respondent to the Rules and Rule 22 makes clear (emphasis added):

*“22.—(1) This rule applies where—*

***(a) the Tribunal has not received a response by the time specified in rule 17(1) (response), or by an extension of time granted under rule 21 (applications for extension of time for presenting response),***

*(b) any response received has been rejected and no application for a reconsideration is yet to be determined, or*

*(c) the respondent has stated that no part of the claim is contested.*

*(2) The Tribunal must decide whether on the available material (which may include any further information which the parties are required by the Tribunal to provide), a determination can properly be made of the claim, or part of it. **To the extent that a determination can be made, the Tribunal must issue a judgment accordingly**, otherwise, a hearing must be fixed. Where the Tribunal has directed that a preliminary issue should be determined at a hearing, a judgment may be issued by the Tribunal under this rule after that issue has been determined without a further hearing.*

*(3) The Tribunal must provide the respondent with notice of any hearing or decision of the Tribunal but the respondent may only participate in any hearing on that claim to the extent permitted by the Tribunal.”*

21.6 Whilst the Respondent has submitted a Word document with the tile ET3 Response, he has still not submitted a valid ET3 response form or a valid application for an extension of time to submit a response and he has had every opportunity to do so since 30 November 2025.

21.7 Even if the Respondent has an arguable substantive defence taken at its highest, that does not justify reconsideration given the procedural history and the Respondent’s failure, without good reason, to submit a response.

22. The application for reconsideration is refused.

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**Employment Judge Woodhead**

23 May 2026

Sent to the parties on:

26 May 2026

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