



EMPLOYMENT TRIBUNALS

Claimant:
Mr M Birthwright

v

Respondent:
G S Plus

Before: Employment Judge Fredericks-Bowyer

On: 30 April 2026

Appearances:

For the claimant: Mr Yussuff (Counsel)
For the respondent: Ms Von Watchen (Counsel)

APPLICATION FOR RECONSIDERATION UNDER RULE 14 AND CASE MANAGEMENT ORDERS

1. The decision to reject the claim communicated on 14 August 2024 is reconsidered and the claim is now accepted with effect from 20 August 2024.
2. The claimant must within 14 days clarify the basis of the claim and confirm:-
 - 2.1. What disability he relies upon;
 - 2.2. What has happened that he says is disability discrimination; and
 - 2.3. What has happened that he says is race discrimination.
3. I direct that the claim is served by the respondent upon the Tribunal so that a response may be entered in the usual timescale.

REASONS

1. There has been procedural and administrative confusion in respect of dealing with this file, which I confess I may have also contributed to in the preparation of this hearing.
2. The claim was lodged on 7 August 2024. The respondent was named as 'G S Plus'. The corresponding ACAS form named 'GS Plus & GSS G S Plus Limited'. The discrepancy was referred to me when the claim was vetted.
3. I rejected the claim form on 14 August 2024 because the names did not match. In truth, this was more because there was confusion about the name on the ACAS form and the consequential question about whether or not the correct entity had been entered into the ACAS process.
4. Although the defect appeared minor, the claim was rejected under Rule 12(1)(f) Employment Tribunal Rules of Procedure 2013 in that there was a substantial defect in the mismatch of names.
5. The claimant promptly applied to reconsider the decision and provided clarification about the identity of the respondent. That application was made under Rule 14(1)(b) Employment Tribunal Rules 2024. It was made in writing and on time. There was then a long administrative delay when nobody from the Tribunal dealt with that application. It was not forwarded to me or placed into general Duty Employment Judge work. The file was closed upon the rejection and the application was effectively lost. After a long delay as set out in correspondence, the claimant instructed solicitors who pursued the application. I directed that the application be dealt with in a hearing, and expressed the view that the delay in the case indicated that it had not been actively pursued.
6. Under Rule 14(2), if the claimant can satisfy the Tribunal that the defect can be rectified, then the decision to reject the claim is reconsidered. Rule 14(3) provides that the application should be determined at a hearing without the respondent present. I invited the respondent to attend the hearing and I heard submissions from the respondent. In my view, this departure from the Rules was justified under Rule 6 and Rule 30 because the delays in this case appeared to me to be so significant that there may be an impact on the fairness of the final hearing.
7. In the hearing, the claimant told me that he had been told by the Tribunal that he should not chase up the application. He could not recall when that was. I treat all of the claimant's evidence with caution where what he says sounds like an unlikely course of advice from a Tribunal staff member which, in any event, plainly cannot be relied upon or legal advice or any sort of representation from the Tribunal which would absolve a party of the normal obligations upon them in litigation. Ultimately, I remain of the view that the claimant ought to have pursued the application lodged.
8. However, none of this alters the simple fact that the defect in the original claim was singular and capable of ready correction. Although a substantial defect according to the Rules, it was one that the claimant did show was capable of remedy when he promptly made his application for reconsideration. That is the application I am

considering today and, in light of the narrow scope I have with the application, the application is granted.

9. The claim is now accepted and is treated as being accepted on the date of the application for reconsideration.
10. During the hearing, I was invited to strike the claim out of my own motion because it has not been actively pursued. I am unable to do so, because I do not know what if any impact there has been on the fairness of the proceedings in real terms as a result of the delay. I consider this is an application for the respondent to make, if it thinks it arguable. I consider such an application should be marked for my attention because it is likely I am the most appropriate Judge to hear such an application in light of the evidence I have already heard and considered. I remain open to submissions that there should be a fresh Judge deciding the application, but it is for one or other party to make those submissions.
11. In the circumstances, the claimant must now explain what his claim is about so that it can be fully responded to.

Employment Judge Fredericks-Bowyer

22 June 2026