



EMPLOYMENT TRIBUNALS

Claimant: Ms Michaela Vickers

Respondent: Teckwood Ltd

Heard at: Ashford (By videolink) **On:** 20 August 2026

Before: Employment Judge R S Drake (of the VR)

Representation

Claimant: In person

Respondent: Mr Dharmesh Patel (Director)

DETERMINATION OF A RECONSIDERATION APPLICATION

1. Having acceded to the Respondent's application for full Reasons for my Judgment ("the Judgment") given on 24 June 2026 (promulgated on 8 July 2026), I am now also to consider an application ("this Application") by the Respondent dated 17 July 2026 (supplemented by a further written representation of the same date) for Reconsideration of the Judgment at the full hearing referred to above, under Rules 69 and 70 of the Employment Tribunals Rules of Procedure 2024 (as amended) ("the ET Rules"). I refuse the Application to Reconsider.
2. I have considered the terms of this Application and Mr Patel's oral submissions today carefully. Specifically, I note that Mr Patel seeks revocation of the Judgment.
3. I have also considered carefully the Response to the Application which I invited the Claimant to provide and which she produced dated 4 August 2026 ("the Claimant's Response").
4. Leaving aside at the outset the merits of the Application I note Mr Patel for the Respondent says in this Application that :-
 - 4.1 This Application is based on certain key assertions: -

- 4.1.1 The claim, notice of it and of the hearing on 24 June 2026 were not effectively/validly served on him;
- 4.1.2 He personally was not in active control of the Respondent company at the relevant times which I take to be the date when the claim was issued by the Claimant and sent by the Tribunal to the address nominated for that purpose by the Claimant;
- 4.1.3 The Respondent company had been transferred by him to an unnamed third party purchaser in January 2025, but that purchaser reneged on agreement to buy, and the whole transaction was reversed and Companies House advised in August 2025, from which date Mr Patel regained de facto control of the Respondent company;
- 4.1.4 Mr Patel himself as a private individual did not learn of the proceedings of the hearing on 24 June 2026 until receiving the Judgment soon after its promulgation;
- 4.1.5 Mr Patel can and has by today provided evidence of the accounts and finances of the Respondent company to support all the above;
- 4.1.6 He and the Respondent did not have sufficient opportunity to present any evidence or meaningful defence to the Claimant's claims and that justice for the Respondent would be denied if the Judgment were not revoked;
- 4.2 I explained to the parties that Rule 70 of the ET Rules provides as follows:-

“(1) The Tribunal must consider any application made under rule 69 for reconsideration;

(2) If the Tribunal considers there is no reasonable prospect of the Judgment being varied or revoked (including unless there are special reasons where substantially of 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 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 three 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.”

5. When this Application was first referred to me I noted that both parties had already provided full and detailed written representations which therefore obviated the need for me to dismiss this Application without a hearing and enabled me to proceed to a full oral hearing without going through the preliminary stage envisaged in paragraph 2 of rule 70.
6. I therefore also noted that paragraphs 3 to 5 inclusive of Rule 70 were not applicable in this particular case but that the interests of justice were best served by first hearing the application at an oral hearing, then considering the written and documentary evidence, and finally coming to my conclusion for which I now set out my Reasons in full.
7. I find on the evidence before me the following -
 - 7.1 The relevant sequence of events is as set out at paragraphs 2.1 to 2.9 of the record of my Full Reasons for the Judgment now being challenged;
 - 7.2 Mr Patel admits to me today that he had been unhappy about the Claimant taking additional Maternity Leave following delivery of her sons on 3 July 2024 and that he admits that he dismissed the Claimant on 4 March 2025 at a time when she was still on additional Maternity Leave and wrote to confirm this on 23 March 2025;
 - 7.3 Mr Patel also admits today that on the date of presentation of her claim by the Claimant on 7 May 2025, the registered office address of the Respondent company according to Companies House records was 34 Five Acres, Northgate, Crawley, RH10 8HN and had been since a change registered at Companies House on 2 August 2024;
 - 7.4 Mr Patel accepts that when the Notices of Claim and of Hearing Date were sent to but returned from a past trading address, they were reserved by pre-paid post from the Tribunal to the address revealed by a search of Companies House records disclosing the correct registered office address;

- 7.5 No provision had been made to ensure that whilst he remained legally in control (albeit not in de facto control) of the Respondent company, anything received by it should have been forwarded to him; It was not;
- 7.6 Mr Patel's de facto lack of control over the Respondent company has absolutely no legal significance or bearing upon the claim and how it was proved before me on 24 June 2026, or how service of the Notices of Claim and hearing were served if it has been established beyond doubt, as it has in this case, that service was validly made on the Respondents then registered office address;
- 7.7 Mr Patel had to admit there was no legal imperfection in service of the Notices of Claim and Hearing; He could rely only on the assertion that he personally was unaware of the service of both Notices, and he asserted that as this was caused by his ongoing dispute with a defaulting purchaser of the Respondent or its business, that explanation was sufficient to impeach the validity of service of the Notices; I had to advise him to the contrary;
- 7.8 The ongoing dispute, with which Mr Patel was no doubt validly struggling has no bearing whatsoever on the validity of service of the Notices at the Respondent's Registered Office which is found to have been as set out above according to Companies House; Registration at that time at Companies House is deemed in law to be universal notice to the world at large upon which any party and especially the Claimant in this case are entitled to rely; The dispute has no legal effect on the substantive validity of the Claimant's claim;
- 7.9 Mr Patel's de facto lack of control over the Respondent company is no defence in such a case, regrettable though that may be;
8. Accordingly, for the purposes of Rule 70(2) I conclude that this Application has no reasonable prospect of success on procedural as well as substantive grounds and therefore is refused. Mr Patel's evidence today is not new evidence dealing with the basis for dismissal of the Claimant, to which extent that as I have found it was by reason of the fact that in my Judgment I have found it was because of or related to her maternity leave;
9. Thus the finding of dismissal being automatically unfair remains intact; Mr Patel did not address the merits of the Claimant's claim in and of itself to any extent approaching the threshold of showing that justice dictates Reconsideration on grounds of new evidence in relation to the substantive claim itself.
10. Had I had cause to proceed to consider the merits of the Respondent's evidence, I note that it goes nowhere towards providing a defence to what was already found to be an automatically unfair dismissal for the purposes of

Section 99(1) and (3) of the Employment Rights Act 1996 (“ERA”) and thus for both lack of procedural imperfection and for lack of valid evidence as to any possible substantive defence to the claim itself, I conclude that this Application for Reconsideration should be and is thus refused.

Employment Judge Drake
Date: 20 August 2026

Sent to the parties on:
Date: 1 September 2026