



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Putt

Respondent: Hillary's Coachworks Ltd

JUDGMENT

The respondent's application dated 8 July 2022 for a reconsideration of the Judgment sent to the parties on 7 June 2022 is refused.

REASONS

1. In an email received by the Employment Tribunal on 8 July 2022, the respondent's new representatives, Peninsula, made an application for a reconsideration of my Judgment refusing an extension of time in which to present its response and/or reconsideration of my earlier Judgment sent to the parties on 2 April 2022. The Judgment under reconsideration was sent to the parties on 7 June 2022.
2. I must apologise for the time that it has taken to deal with this application which was caused by a combination of ill-health and volume of work.
3. This application should have been received by the Employment Tribunal within 14 days of the date on which the Judgment was sent to the parties. It was received over 2 weeks after the expiry of that time limit with no explanation as to why there was a delay in doing so. I am aware from the correspondence file that the respondent's original representative, Mr Simpson, of MILS Legal Ltd, notified the Employment Tribunal by email on 9 June 2022 that he was no longer instructed by the respondent. I am also aware that the Employment Tribunal subsequently received an email dated 6 July 2022 from Peninsula stating that they had just been appointed to represent the respondent. However, this has not been offered as any explanation for the delay.
4. Nevertheless, I have considered the respondent's application and the claimant's representative's response dated 15 July 2022 resisting the application.
5. As it is unclear whether this is in fact an application for a reconsideration of the Judgment or an application for a reconsideration of the reconsideration of the Judgment, I have treated it as both under Rule 72 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013.

6. Having done so, I do not believe that the application has any reasonable prospect of resulting in my original decision being varied or revoked. I therefore refuse the application.
7. I did not accept the content or quality of the respondent's previous explanation. I am entitled to form a view of the merits of the respondent's explanation and determine whether it is a satisfactory and honest explanation. On reconsideration I still do not accept the respondent's explanation.
8. All that they appear to be doing now is placing the blame on their former representative after a further unexplained delay in addressing the matter. As I pointed out in the Judgment, the claimant has had to wait from April 2021 for this matter to be progressed and that the respondent's previous application containing the original explanation was not provided until 20 April 2022 and the fact of the quality of that explanation gave me cause for concern. Its latest application was not presented until 8 July 2022. This has caused further prejudice to the claimant.
9. I find the respondent's further explanation that it did indeed receive a copy of the ET1 as well as the covering page entitled Response to an Employment Tribunal Claim and not the Notice of a Claim containing the Employment Tribunal's containing the contact details as well as the return date for its completed Response to be less than convincing in terms of its content and quality. It appears to simply shift the story to fit the shortcomings of its original explanation.
10. Whilst the respondent is also indirectly placing the blame on London Central Employment Tribunals, it still has not provided any proof of receipt of the ET1 purportedly sent there on 26 May 2021. It has simply re-sent a copy of its email to London Central of that date and a completed ET3 form. As I said before, the ET3 contains the case number, and the first three numbers denote a London South Employment Tribunals' case. If the respondent had approached London Central as it claims, then it would more probably than not have been directed to London South. Furthermore, the respondent appears to have taken no further steps to progress the matter, having heard nothing from London Central Employment Tribunals. Indeed, the respondent did nothing until it received the Rule 21 Judgment which was sent to the parties on 7 April 2022.
11. For all of these reasons the application is refused as having no reasonable prospect of success and there are no special reasons on which to allow the application.

12. The respondent will of course be sent a notice of the forthcoming remedy hearing and will be allowed to participate in the hearing to the extent that the Employment Judge on day permits.

Employment Judge Tsamados
31 August 2022

JUDGMENT SENT TO THE PARTIES ON
31 August 2022

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FOR THE TRIBUNAL OFFICE