



EMPLOYMENT TRIBUNALS

Claimant: Mr O Petrov
Respondent: Rainham Refrigeration & Air Conditioning Limited (1)
Cook & Heat Limited (2)

Heard at: Leicester Hearing Centre, 5a New Walk, Leicester, LE1 6TE
Decided on the papers only

On: 23 August 2024

Before: Employment Judge Adkinson sitting alone

RECONSIDERATION JUDGMENT

The claimant's application for reconsideration of the judgment sent to the parties on 6 June 2024 is out of time and dismissed.

REASONS

1. The claimant seeks reconsideration of my judgment sent to the parties on 6 June 2024. I have considered everything set out in that application, but for brevity I deal only with what are the relevant matters at this stage in my view.
2. Assuming (but without deciding) to be correct the information the claimant has provided in his application, and considering the Tribunal's file also, the relevant chronology is as follows:
 - 2.1. 6 June 2024 – judgment sent to the parties. It was sent to the claimant by email.
 - 2.2. Beginning of June, claimant is working on repairing a floor in the house he was living in. It appears that his housemate (who is the homeowner) was ill. However the detail provided about this is incoherent and it is not clear how this relates to the claimant and why this application is out of time.
 - 2.3. 2 July 2024, the claimant went on an "Everyman" racing experience.

- 2.4. 18 July 2024, claimant was supposed to go by car to France. However he needed to replace his numberplates and could not find his V5 document.
 - 2.5. 22 July 2024, housemate returns to work.
 - 2.6. 25 July 2024, claimant travels overseas to “home”. It is not clear exactly where this is but it requires him to go as far as Romania by car.
 - 2.7. The claimant then spends time with family and resting.
 - 2.8. 5 August 2024, the claimant checks his email and sees Tribunal’s order.
 - 2.9. 6 August 2024, the claimant drafts this application.
 - 2.10. 12 August 2024, the claimant sends the application to the Tribunal.
3. The claimant says his desktop computer is in the UK and he has no set UK return date. He says he has not got a UK address. He also says a party has not complied with directions made at that hearing. In my view that is a matter for separate consideration and not relevant to this application.
 4. The inference from his application must be that he has access to his email and to the internet currently, even though he is out of the country and his computer is in the UK. Though he says he has no address in the UK, he clearly had a physical location until 25 July 2024 when he departed overseas. In any case, the orders have been sent to his email address. Given his communications with the Tribunal before the hearing (and his uploading documents to the cloud before the hearing) he had access to email and the internet in the UK too. It is notable he does not say he did not for some reason lose access after the hearing until 5 August 2024. There is no suggestion there was a technical issue there was a delay in transmission of the order. He himself categorises his failure to see the order as a human error.
 5. The Tribunal’s Rules require an application for reconsideration to be made within 14 days of the Tribunal sending the order to the parties. The claimant has failed to meet the deadline by some margin.
 6. Those rules also allow me to extend time for making the application. In deciding whether to do so I must give effect to the overriding objective in the Tribunal’s rules.
 7. In my view it would not be appropriate to extend time for the following reasons:
 - 7.1. The delay in making the application is significant. The application should have been made by 20 June 2024. It was presented just over 7½ weeks after the deadline for doing so.
 - 7.2. There is no good reason for the delay. The lack of UK address is factually irrelevant. He was living somewhere as he admits. The order was in any case emailed to him. He had access to email in the UK and clearly has access overseas. He knew that

there had been a hearing and would reasonably have expected there would be correspondence about the outcome, because the Tribunal has already communicated with him about it. It appears he did not check his emails for some time. There is no good reason for not doing that, especially as it would take little time.

- 7.3. It appears he prioritised other things instead. That is a matter for him of course but does not justify disapplying the rules, whose adverse consequence arises from his choices.
 - 7.4. If I extended time the respondents could well find themselves having to deal with an application that they could reasonably be satisfied was not going to arise because of the passage of time.
 - 7.5. To allow the application to proceed would be to promote delay. It would be necessary to take time to consider the application. It would delay the final resolution of the claim and of his second claim which may be appropriate to link this one. It could well increase the respondents' expenses because they may well have to spend time and money replying to it
 - 7.6. To deal with this application would take away judicial resources and potentially Tribunal hearing time which would have an adverse impact on the progress of other cases of other litigants because the resources would be diverted from those cases to this.
 - 7.7. There is a public interest in finality of litigation over issues. The importance of the issue to the claimant is not outweighed by the importance of finality, especially when the application is so late for no good reason.
8. The only reasons in my view for extending time are that it would promote flexibility and informality, and because of the importance to the claimant. As to the former, however, that must be read in the context that the rules were drafted with a definite time limit, and that there is public interest in finality of litigation on an issue Therefore that reason carries no weight in my view. As to the latter, it is outweighed by the reasons not to extend time.
 9. Therefore the application for reconsideration is dismissed, and the judgment stands.

Employment Judge Adkinson

Date: 23 August 2024

JUDGMENT SENT TO THE PARTIES ON

Date: 29 August 2024

Notes

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