



# EMPLOYMENT TRIBUNALS

**Claimant**

**Mrs. N. Pierson**

**V**

**Respondent**

**Imperial College of Science,  
Technology and Medicine**

**Held at: London Central** (on the papers)

**On: 12 September 2018**

**Before: Employment Judge Mason**

## **JUDGMENT**

The Claimant's application dated 1 August 2018 for reconsideration of the judgment sent to the parties on 31 July 2018 ("the Judgment") is refused.

## **REASONS**

1. There is no reasonable prospect of the Judgment being varied or revoked, because it is not necessary in the interests of justice to reconsider the Judgment and there is no reasonable prospect of it being varied or revoked under Rule 70 ETs (Constitution & Rules of Procedure) Regs 2013 ("the Rules").
2. Following a Preliminary Hearing on 19 June 2018, the Claimant was ordered to pay a deposit of £500 in respect of her claims of (1) breach of contract/unauthorised deduction from wages and (2) under Regulation 10(1) Working Time Regulations 1998 as a condition of these claims continuing. The order was sent to the Claimant on 25 June 2018 and she was ordered to pay the deposit(s) within 21 days.
3. The Claimant failed to pay either deposit and on 31 July 2018 Employment Judge Mason struck out these claims (the Judgment). However, the Claimant's other claims of unfair dismissal, race discrimination, victimisation and flexible working survived.

4. The Claimant's representative, Mr. Charles, wrote to the Employment Tribunal by email on 1 August 2018 challenging the Judgment in view of the fact he has lodged an appeal on behalf of the Claimant, he is not a lawyer, he has been very busy and the stress of liaising with the Employment Appeal Tribunal has affected his mental health. Regional Employment Judge Potter wrote to the Claimant on 10 August 2018 advising that his letter would be treated as an application for a reconsideration of the Judgment.
5. The grounds put forward by Mr. Charles are insufficient to merit a reconsideration. The order was clear and he has not provided any supporting evidence that he has been unable to comply with the order for the reasons stated. This is not a case where something has gone radically wrong with the procedure involving a denial of natural justice or something of that order. In addition, it is in the public interest that there should be finality in litigation and the interests of justice apply to both sides.
6. Finally, for the avoidance of doubt, the Claimant's other claims of unfair dismissal, race discrimination, victimisation and flexible working are unaffected and continuing.

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Employment Judge H Mason

Date: 12 September 2018

Judgment sent to Parties on

\_\_\_\_\_13 Sep. 18\_\_\_\_

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