



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr CA Bailey

**Respondent:** Bagnalls Bodyshop Ltd

**UPON APPLICATION** made by letter dated 20 September 2018 to reconsider the judgment dated 9 October 2018 under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

## JUDGMENT

1. The application for reconsideration is refused as it is not in the interests of justice.

## REASONS

1. The Claimant's bundle contained the same content as the Respondent's bundle save for some invoices the Respondent wanted to refer to in relation to their counter claim. Both parties documents within their respective bundles were considered.
2. The Respondent's bundle was considered where relevant.
3. In relation to the counter claim; the Tribunal had written to the Respondent on 28 February 2018 seeking confirmation as to whether the Respondent wished to bring a counter claim. No response was present on the Tribunal file. The Respondent indicated they had sent an email but were unable to produce a copy. The Respondent confirmed that he did not wish to pursue the counter claim at 12.55pm on the day of the hearing and it was recorded that this would not therefore proceed. It is not in the interest of justice to later revive such a counter claim as the Respondent was given the opportunity to confirm their position and furthermore the Respondent has applied to have the company dissolved.
4. Random notes were not taken from the Claimant's bundle. The Claimant's bundle contained his witness statement set out in reference to documents upon which he relied. Notes were taken of the Claimant's sworn witness evidence. The Tribunal did not advise the Claimant on redundancy costs. As assessment of the redundancy payment due to the Claimant was made in accordance with Section 162 of the Employment Rights Act 1996, having judged that a redundancy payment was due to the Claimant.

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Employment Judge **Moore**  
**29 October 2018**

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE