



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr G Weston

AND

Respondent
Birmingham City Council

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Application for reconsideration/relief from sanctions
Rule 38(2), 71 & 72 Procedure Rules 2013

HEARD AT Birmingham (in Chambers) **ON** 9 October 2018

EMPLOYMENT JUDGE Lloyd

JUDGMENT

UPON APPLICATION by the claimant in his letter of 30 August 2018 for reconsideration of the tribunal's dismissal of his claim on 23 August 2018 and relief from sanctions;

AND UPON reading the said application and the written response of the respondent, dated 6 September 2018

The tribunal rejects the claimant's applications for reconsideration and relief from sanctions.

REASONS

1. I am satisfied that the tribunal took all reasonable steps, consistent with the contact instructions of both parties, to advise them of the scheduling of an open preliminary hearing at the Birmingham Employment Tribunal on Thursday 23 August 2018 at 10.00am.
2. The claimant had persistently failed to comply with the tribunal's directions in relation to the agreement of a bundle of documents and the production of witness statements.
3. I granted an Unless Order on 22 August 2018 which was issued to both parties with a compliance deadline of 5.00pm on 22 August 2018.

4. The claimant failed to attend the open preliminary hearing on Thursday 23 August 2018 at 10.00am to determine the following issue: "*Whether, having regard to the effective date of termination of the claimant's employment and the time limit contained in Section 111(2) Employment Rights Act 1996 (three months), the tribunal has jurisdiction to consider the claimant's complaint of unfair dismissal*".
5. I have considered the application under Rule 72(1). I consider that there is no reasonable prospect of the original decision to dismiss the claimant's claim being varied or revoked
6. I have also considered the application under the terms of Rule 38(2) and I conclude that in all the circumstances it is not in the interests of justice to set aside the Unless Order of 22 August 2018 and the tribunal's confirmation of dismissal dated 23 August 2018.
7. **I DIRECT THAT** this Judgment be issued to the parties by first class post and by email at the addresses provided:

Mr G Weston

Andrea Price, Solicitor

Employment Judge Lloyd

Signed and Dated: 9 October 2018

Sent to the parties on

For the Tribunal