



EMPLOYMENT TRIBUNALS

Claimant: Ms C O'Hare

Respondents: Warehouse Fashions Limited (in administration) (1)
Hilco Capital Limited (2)

UPON APPLICATION made on behalf of the first respondent in an email dated 2 February 2022 to reconsider under rule 71 of the Employment Tribunals Rules of Procedure 2013 the judgment dated 14 January 2022 and sent to the parties on 19 January 2022:

JUDGMENT

1. The judgment against the first respondent dated 14 January 2022 is revoked under rule 70 (in respect of the claimant Ms O'Hare only).
2. The claim against the second respondent remains dismissed on withdrawal, the claimant's solicitors having confirmed in an email of 14 October 2021 that the claim against the second respondent is withdrawn.

REASONS

1. Judgment in the claim for a protective award was issued for the claimant against the first respondent under rule 21, the solicitors acting for the administrators of the first respondent having confirmed in the ET3 and grounds of resistance presented on 27 September 2021 and in an email of 28 October 2021 that the first respondent did not contest that claim. That concession was made on the basis that the claimant was employed by the first respondent at an establishment in Oliver's Yard in London.
2. On 2 February 2022 the solicitors acting for the administrators of the first respondent wrote to the tribunal to apply for reconsideration of the judgment. The first respondent applies for reconsideration because the claimant did not in fact work at Oliver's Yard in London. She worked in Victoria Square in Belfast. There was an administrative error by the first respondent in the information provided to the tribunal about the claimant's workplace.

3. The claimant's solicitor was invited to comment on the application and confirmed on 21 March 2022 that the claimant worked in Victoria Square in Belfast, not in Oliver's Yard in London.
4. The judgment was therefore issued because of a concession based on an administrative error by the first respondent's representative. The claimant accepts that the factual basis on which the concession was made was wrong. In the circumstances, it is in the interests of justice to reconsider the judgment dated 14 January 2022 against the first respondent, and to revoke it. If the judgment is not revoked, the claimant will, as a result of an administrative error, benefit from a protective award to which she may not be entitled.
5. The judgment having been revoked, the claimant's claim for a protective award will be decided at a hearing. Notice of hearing of the claimant's claim and case management orders for that hearing will follow separately.

Employment Judge Hawksworth

Date: 21 March 2022

JUDGMENT SENT TO THE PARTIES ON

23 March 2022

FOR THE TRIBUNAL OFFICE