



EMPLOYMENT TRIBUNALS

Claimant: Mr P Cooke

Respondent: STA Travel Limited (in voluntary liquidation)

JUDGMENT ON RECONSIDERATION

The claimant's application to reconsider the judgment of Employment Judge Spencer dated 23 March 2022 striking out his claim is granted without a hearing.

Under rule 71 of the Employment Tribunals Rules of Procedure 2013 the strike out judgment is revoked and the claim restored.

REASONS

1. The claimant in this case has issued 2 claims seeking a protective award for failure to consult in a collective redundancy situation. The first claim was accepted by London Central Employment Tribunal on 1 October 2020 and given case number 2206487/2020 ("the First Claim"). The second claim was filed out of time at Manchester Employment Tribunal and given case number 2402117/2021 ("the Second Claim").
2. Following a strike out warning, on 23 March 2022 Employment Judge Spencer at London Central ET struck out the First Claim because it was a duplicate claim.
3. On 13 April 2022 I conducted a preliminary hearing at Manchester ET relating to the Second Claim. That was to decide whether the Second Claim should be allowed to proceed despite being filed out of time. At that hearing it became apparent that the claimant had filed the First Claim in time. At the hearing the claimant explained that he did not respond to the strike out warning in the First Claim because he was actively engaged with the Second Claim so felt it was correct that there was a duplication of claims.
4. The end result was that claimant's in-time First Claim was struck out because it duplicated the out of time Second Claim. I therefore directed that consideration of whether the Second Claim should be allowed to

5. proceed should be adjourned until 12 May 2022 to give the claimant time to apply for a reconsideration of the judgment striking out the First Claim.
6. On 18 April 2022 the claimant applied to London Central ET for reconsideration of the strike out judgment. The file relating to the First Claim was transferred to Manchester ET on 4 May 2022.
7. I consider it is in the interests of justice to revoke the judgment striking out the First Claim. There are duplicate claims, but it is in the interests of justice that the claim filed in time be allowed to proceed. The Second Claim will be struck out as a duplicate of the First Claim.
8. A judgment making a protective award in favour of the claimant will be issued separately.

Employment Judge McDonald

Dated: 14 July 2022

JUDGMENT SENT TO THE PARTIES ON
15 July 2022

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FOR THE TRIBUNAL OFFICE