

# THE INDUSTRIAL TRIBUNALS

CASE REF: 4115/18

**CLAIMANT:** Eamonn Thomas McCooe

**RESPONDENT:** VF Foods Ltd

## DECISION ON A REVIEW APPLICATION

The decision of the tribunal is set out below.

### **Constitution of Tribunal:**

**Employment Judge (sitting alone):** Employment Judge Greene

### **Appearances:**

**The claimant appeared in person.**

**The respondent was represented by Mr Sean Doherty, of counsel, instructed by Luke Curran & Co. Solicitors.**

1. The claimant brought a claim for unfair dismissal, breach of contract and unlawful deduction from wages on 15 February 2018.
2. The respondent did not enter a response.
3. The claim came on for hearing on 24 May 2018 on the issues of liability and remedy.
4. The tribunal found in favour of the claimant and made awards; for unfair dismissal £10,206.92; £350.00 for arrears of pay; £350.00 for one week's notice pay; and £1,772.76 for the respondent's failure to provide the claimant in writing with his main terms and conditions of employment.
5. An oral decision was given on 24 May 2018.

6. A written copy of the tribunal's decision, dated 4 June 2018, was issued to the parties.
7. The respondent applied for a review of the decision, including leave to extend time for making the review application, on 20 June 2018.
8. At a Case Management Discussion on 23 July 2018 the tribunal, with the agreement of the parties, established the Pre-Hearing Review issues as follows:-
  - (1) Whether time should be extended to enable the respondent to bring an application to have the decision revoked.
  - (2) If time is extended to enable the respondent to bring its application to have the decision set aside, to consider the respondent's application to have the decision on liability set aside.
  - (3) If the decision on liability and remedy is set aside in whole or in part, to consider whether time should be extended to enable the respondent to lodge a late response.
9. The claim came on for hearing on 28 August 2018.
10. Having heard the evidence adduced by the respondent and the submissions by the representatives the tribunal decided as follows:-
  - (1) That time is extended to 20 June 2018 to enable the respondent to seek a review of the tribunal's decision.
  - (2) That the tribunal's decision made on 24 May 2018, is revoked in full.
  - (3) That time is extended to 20 June 2018 to accept the respondent's late response.
11. Reasons for my decision were given at the tribunal.
12. The issue as to whether the claimant is entitled to a payment for preparation time was raised. If the claimant is seeking such a payment, he will set out to the respondent's solicitor the number of hours that he spent in preparing for the hearing on today at the hourly rate prescribed by the 2005 Regulations. The respondent will consider any claim received from the claimant which must be made within 28 days of today's date.

**Employment Judge:**

**Date and place of hearing: 28 August 2018, Belfast.**

**Date decision recorded in register and issued to parties:**