



EMPLOYMENT TRIBUNALS

Claimant:
Mrs A Taylor

v

Respondent:
Aspire Defence Services Ltd

JUDGMENT ON AN APPLICATION FOR RECONSIDERATION

1. The application is refused.

REASONS

1. By a judgment promulgated on 20 March 2017, following a 3 day hearing on 1-3 March 2017 I dismissed the claim of constructive unfair dismissal.
2. By email dated 3 April 2017 the claimant seeks a reconsideration of the judgment.
3. A reconsideration of a judgment can be granted where it is in the interests of justice to do so. If I consider that the application has no reasonable prospect of success, I may dismiss the application at this stage: r. 72(1) Employment Tribunal (Procedure) Regulations 2013.
4. The basis of the application is that the claimant did not have the opportunity to raise with me as the trial judge the problems she had encountered regarding the respondent's compliance with the case management orders, namely late service of witness statements and failure to include documents in the bundle.
5. I note that the case management orders related to the preparation of the case for a hearing listed in August 2016. The tribunal's standard directions had been issued. I note from the file that the claimant was unhappy about the content of the bundle and advised the tribunal accordingly in June 2016. She was told at that stage the tribunal expected compliance with the orders. This includes the preparation of a single bundle for the tribunal.

6. A 3 day hearing was listed in December 2016. There were insufficient judges available to hear the claim and at the last minute the hearing date was vacated. Preparation of the claim should have been finalised long before that date.
7. Whatever problems the claimant may have encountered with late compliance with the orders by the respondent, these were long since past when the matter came before me in March 2017. Clearly a fair trial of the issues was possible. The claimant was ably represented by her husband who put all the relevant points to the respondent's witnesses.
8. As a fair trial of the issues was possible, I would not have been able to strike out the respondents for non compliance with the orders – I can only do that if a fair trial is not possible. I heard all the evidence from both sides. I reached a view which is not the one the claimant likes. That is no basis to allow a reconsideration. The application is bound to fail and I reject it at this stage.

Employment Judge J Hill

Date: 3 May 2017

Sent to the parties on: 20 May 2017

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For the Tribunal Office