



EMPLOYMENT TRIBUNALS

Claimant

Ms R Hayles

Respondents

- (1) Tesco Stores Limited
- (2) Yan Damalitis
- (3) Alyson Hart
- (4) Jo Childs
- (5) Nikki Mendes

JUDGMENT ON RECONSIDERATION

Rules 70 - 73 of the Employment Tribunal Rules of Procedure 2013

Upon the claimant's application made by an email attachment dated 11 July 2017 to reconsider the reserved judgment sent to the parties on 28 June 2017 under Rule 71 Employment Tribunal Rules of Procedure 2013 and without a hearing

Upon consideration of the application and the judgment the application is refused as there is no reasonable prospect of the judgment being varied or revoked.

REASONS

Introduction

1. The claimant's complaints of unfair dismissal, race discrimination, harassment and victimisation and breach of contract were presented in August 2016. The matter was heard at a final hearing by a full tribunal over 6 days between 2 and 9 May 2017. Judgment was reserved, signed by the employment judge on 8 June and sent to the parties on 28 June 2017.
2. The claimant's email of 11 July extends to 11 pages with some additional attachments. Although the claimant does not state directly that she believes it is in the interests of justice to reconsider the judgment, I have assumed that is the basis of her application.

3. The claimant refers to a number of the paragraphs in the judgment in her application but does not state clearly why she believes the findings should be reconsidered. She takes issue with the finding that the employment relationship had broken down. By attachment she has sent what she calls “new evidence” about the disciplinary process but she does not explain how it might have assisted nor why it was not possible for it to be available for the hearing. She raises a number of questions about the conclusions and takes issue with our decision to refuse the making of a witness order as set out in paragraph 14 of the judgment.

The relevant rules

4. I must consider the matter under the reconsideration rules in Employment Tribunal Rules of Procedure 2013 as above. In essence, there is a 14 day period for a party to apply in writing for a reconsideration and the judge must consider whether it is in the interests of justice to reconsider the judgment and, if so, can confirm, vary or revoke that judgment. Rule 72 provides that an employment judge shall refuse the application if there is no reasonable prospect of the judgment being varied or revoked.

Reconsideration conclusions

5. It is not in the interests of justice to reconsider this judgment. This matter was considered by an experienced tribunal over six days. As is clear from the judgment, we considered all the evidence before us and spent time, after hearing the evidence and submissions, discussing and reaching our conclusions.
6. The claimant is seeking to re-open her case when the tribunal had all the evidence before it and gave it due consideration. She is, of course, disappointed with our decision but there is no reasonable prospect of the judgment being varied or revoked and the application for reconsideration is refused.

.....
Employment Judge Manley
London North West Region
Date: 19 August 2017

.....
Judgment sent to the parties on
19/8/17

.....
For Secretary of the Tribunals