



# EMPLOYMENT TRIBUNALS

**Claimant: Mr F. Kraja**

**Respondent: Lloyds Bank plc**

**London Central**

**1 September 2017**

**Employment Judge Goodman**

## **RULE 72 CONSIDERATION OF APPLICATION TO RECONSIDER**

1. Under the Employment Tribunal Rules of Procedure 2013 a request for reconsideration may be made within 14 days of the judgment being sent to the parties. By rule 70 a Tribunal “may reconsider any judgment where it is necessary in the interest of justice to do so”, and upon reconsideration the decision may be confirmed varied or revoked.
2. Rule 72 provides that an Employment Judge should consider the request to reconsider, and if the judge considers there is no reasonable prospect of the decision being varied or revoked, the application shall be refused. Otherwise it is to be decided, with or without a hearing, by the Tribunal that heard it.
3. Under the 2004 rules prescribed grounds were set out, plus a generic “interests of justice” provision, which was to be construed as being of the same type as the other grounds, which were that a party did not receive notice of the hearing, or the decision was made in the absence of a party, or that new evidence had become available since the hearing provided that its existence could not have been reasonably known of or foreseen at the time. The Employment Appeal Tribunal confirmed in [Outasight VB Ltd v Brown UKEAT/0253/14/LA](#) that the 2013 rules did not broaden the scope of the grounds for reconsideration (formerly called a review).

4. The claim of unfair dismissal was heard by the tribunal on 22 August 2017. Judgement was given with reasons, and the written judgment was sent to the parties on 23 August 2017.
5. On 24 August 2017 claimant emailed the tribunal asking for reconsideration, on grounds that during the period of the account opening for which he was dismissed by the respondent, he was undergoing medical investigation, and under mental stress. He says that he can provide details of all appointments and medication.
6. The claimant mentioned in his claim form, evidence and submissions that his health affected his judgment when opening accounts quickly. This issue was considered by the tribunal, and its relevance to fairness was rejected, because in the various hearings he admitted the conduct, but did not say that health worries were the reason. The reasons why it was not considered that this made the respondents action unfair was explained. If the claimant considers that the tribunal's decision was wrong in law, his route is by an appeal, not my reconsideration.
7. The claimant had himself raised the question of his health as part of his claim and if he considered that he needed more evidence to demonstrate the point it was within his hands to put this information before the tribunal at the hearing. The purpose of the rule allowing reconsideration is not to allow a disappointed party a second bite of the cherry, because finality is in the interests of justice.
8. I do not consider that there is any reasonable prospect of the application for reconsideration considering, and it is refused.

Employment Judge Goodman

1 September 2017