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EMPLOYMENT TRIBUNALS

Claimant

Respondent(s)

Mr I Hussain

AND

Santander UK Plc

JUDGMENT

The claimant's application dated 6th September 2017 for reconsideration of the judgment sent to the parties on 30 May 2017 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. The very large majority of the application (Sections 3 and following) comprises a critique of certain parts of the Reasons for dismissing the claim. If those matters are to be pursued at all, the only possible route to do so is by way of appeal to the EAT.
2. Section 2 is headed **New evidence**. It refers to evidence that it is said could be provided by one of the customers whose signatures the Claimant is alleged to have falsified, Mr H. The Claimant asserts that the "new evidence was not available at the time of my ET hearing".
3. However, it is not necessary in the interests of justice for the Judgment in this matter to be reconsidered on the basis of that "new evidence":
 - 3.1. The Claimant had been in contact with Mr H since his dismissal and before the tribunal hearing, indeed gave evidence that since they worshipped at the same Mosque it was not difficult to contact him.
 - 3.2. The Claimant had produced evidence – a lengthy letter – which he said was from Mr H, referred to in the Reasons, which he sought to rely on both during the disciplinary process and at the tribunal hearing.

- 3.3. The matters the Claimant raises within para 2 of his present application could have been discussed between him and Mr H before the tribunal hearing.
 - 3.4. No explanation is given by the Claimant for why in the discussions he did have with Mr H, those matters (the “new evidence”) did not arise (in so far as they were not already included in the letter referred to at para 3.2 above).
 - 3.5. No application was made by the Claimant to adjourn the hearing, or to witness summons Mr H; and at the hearing the Claimant did not suggest that Mr H might have additional important evidence.
 - 3.6. Further and in any event, the reasons for the dismissal and the basis of the finding that the dismissal was not unfair were not restricted to the case of Mr H. The dismissal would have been fair even had the only charge upheld been the falsification of the signature in the LS case. The “new evidence” is not concerned with that case.
4. In the above circumstances, it is neither necessary nor appropriate in the interests of justice for the substantive claim of unfair dismissal to be re-opened to permit consideration of the “new evidence”.

Employment Judge **Segal**
2 October 2017

OR THE TRIBUNAL OFFICE

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