



THE EMPLOYMENT TRIBUNALS

Claimant
Ms N McHugh

Respondent
Dr William Arnett

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

MADE AT NORTH SHIELDS (without a Hearing)

ON 26th SEPTEMBER 2017

EMPLOYMENT JUDGE GARNON

JUDGMENT

Under the powers in rule 72(1) of the Employment Tribunal Rules of Procedure 2013, I refuse the respondent's application made on 17th September 2017 for a reconsideration of my Judgment dated 24th August 2017 and sent to the parties on the same day because I consider there is no reasonable prospect of the judgment being varied or revoked.

REASONS

1. The respondent has applied for a reconsideration of a judgment on liability and remedy made by me in circumstances where he did not reply to contact from ACAS during Early Conciliation, did not submit a response form to the Tribunal and did not attend the hearing. The first contact from him was the e-mail in which he made this application outside the time limit for doing so. He gives a reason for that delay which is weak but no reason for his earlier failures

2. More importantly, the defence to the claim he wishes to run is misconceived for reasons already covered in the reasoned judgment. The claimant was dismissed by the practice manager, whose acts as agent for the respondent bind him. The reason for dismissal was not a transfer, or reason connected to one, within the meaning of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). That clinical staff were subsequently transferred to another GP practice does not affect the reason for dismissal of the claimant, a cleaner, which, as I explained was redundancy.

3. Under rule 72. I must consider this application on a preliminary basis without a hearing. The respondent puts forward no argument which has any reasonable prospect of changing the outcome. Even if he did, the only ground for a reconsideration is whether one is necessary in the interests of justice. It is not in the interests of justice to allow a party who has no reasonable excuse for not presenting a response now to run arguments he has had ample opportunity to run earlier.

T M Garnon EMPLOYMENT JUDGE

JUDGMENT SIGNED BY EMPLOYMENT JUDGE ON 26th SEPTEMBER 2017

SENT TO THE PARTIES ON

26 September 2017

**G Palmer
FOR THE TRIBUNAL**