



EMPLOYMENT TRIBUNALS

Claimant: Mr U Hussain

Respondent: Automatic Data Processing

JUDGMENT ON RECONSIDERATION APPLICATION

The Claimant's application to the Tribunal dated 18 September 2017 for a reconsideration of the Tribunal Judgment and Reasons sent to the parties on 5 September 2017 is refused, because I consider that there is no reasonable prospect of the original decision being varied or revoked.

REASONS

1. At a Preliminary Hearing on 14 August 2017 followed by a Judgment and Reasons sent to the parties on 5 September 2017, I struck out the Claimant's complaint of disability discrimination pursuant to Rule 37(1)(a) of the Employment Tribunal's Rules of Procedure 2013 on the ground that it had no reasonable prospect of success.
2. In a letter to the Tribunal dated 18 September 2017 the Claimant, very courteously, applied for a reconsideration of the Tribunal judgment. The Claimant's letter included the following:

After much thought, I have taken this step to apply for a reconsideration, which I hope is not taken as a stance of disrespecting Judge Hall-Smith's initial judgment, and not looked upon unfavourably or trying to be disruptive or acting in a vexatious manner.

Whilst I personally appreciated Judge Hall-Smith's composure with me during the hearing, upon reflection Judge Hall-Smith did rule in favour of continuing my disability claim but was met with a strong assertive stance from the Respondent's Counsel and despite his initial judgment did change the judgment back in favour of the Respondent, and I would like for him to reconsider to his initial judgment.

I am not questioning your thought process but got a different stance from Judge Balogun and Judge Hildebrand, to clarify my points, which I feel I did along with providing further personal medical records from my psychiatric physician (at a personal cost to me which Judge Hall-Smith did say would look into reimbursement, but I have not heard anything back). As you decided to progress I admit that the ET1 form was not as clear as I would have wished upon reflection, a point Judge Balogun also stated on 21 March ? this disability discrimination claim.

If you could kindly reconsider your judgment, as stated you did not have all the bundle of documents (stated in Reasons number three), and this might have assisted in a more favourable judgment for myself. I am not trying to incur further cost to the Respondent, but happy to have an independent psychiatric assessment at the Respondent's wish.

3. I readily understand that the Claimant is very unhappy about my decision to strike out his complaint of disability discrimination. The Reasons to the Tribunal Judgment set out in paragraphs 16-26 why I considered that his complaint had no reasonable prospects of success.

4. Rule 70 of the Employment Tribunal's Rules of Procedure 2013 provides:

A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, to reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ("the original decision") may be confirmed, varied or revoked. If it is revoked it may be taken again.

5. I was unable to identify any grounds in the Claimant's letter of application to the Tribunal justifying a reconsideration of the Tribunal decision to strike out his complaint of disability discrimination.
6. Although the Claimant is understandably unhappy with the Tribunal Judgment at the Preliminary Hearing, I consider that the Claimant through his application for a reconsideration of the Judgment, is essentially endeavouring to re-argue his case.
7. The process of reconsideration is not available to a party to re-argue their case and to revisit issues which had been before the Tribunal. In the event that there are errors of law in the Tribunal Judgment or that the Tribunal has misapplied itself, the Appeal process is available to a party.
8. I consider that the Claimant has not raised any ground which would enable me to reconsider my judgment at the Preliminary Hearing, within the scope of the powers of reconsideration under Rule 70 of the Employment Tribunal Rules of Procedure 2013.

9. The Claimant's application for reconsideration of the Judgment sent to the parties on 5 September 2017 is refused because in my judgment there is no reasonable prospect of the original decision of the Tribunal being varied or revoked.

Employment Judge Hall-Smith
12 October 2017