



EMPLOYMENT TRIBUNALS

Claimant

Mr. T. Bhamra

Respondent

Mitie Aviation Security Ltd

v

CONSIDERATION

Of application for reconsideration pursuant to rule 72.

1. By judgment sent to the parties on 30 November 2017, I decided that that claimant had not complied with an Unless Order sent to the parties on 30 March 2017.
2. I therefore recorded that the claim had been struck out on 3 April 2017.
3. By an application made by email dated 13 December 2017 at 22.57 the claimant made an application for an extension of time of 5 days to make an application for reconsideration. By a further email dated 13 December 2017 at 23.03 he made an application for a reconsideration of the judgment. By a third email dated 14 December 2017 at 11.20, he made a further application for an extension of time of 5 days from 13 December. By a fourth email dated 14 December 2017 at 13.13 he made a further, more detailed, application for reconsideration of the judgment.
4. The applications for reconsideration were made in time. I do not need to consider the applications for extensions of time, although I note that no reasons are given why I should exercise my discretion to extend time so that I would have no basis on which to extend time. It may be academic, but the applications for extension of time are therefore refused.
5. The first application for reconsideration lists 5 points. The second application for reconsideration repeats those same 5 points and adds further points up to 14. Therefore, I consider both applications together because the latter includes the former.
6. Points 1 to 3,5,6,8 and 10 amount to assertions that the claimant had in fact complied with the Unless Order. I have already made findings that he did not. A mere assertion of compliance, made now, is not a reason for reconsideration.

7. At point 4, the claimant says that he was unwell on the day of the hearing. I note from the judgment that I considered the claimant's application for a postponement made on the ground that he had a medical appointment which clashed with the hearing. I rejected that application to postpone. The claimant did not apply to postpone on the ground that he was too unwell to conduct the hearing. He exhibited signs of pain early in the hearing, but these ceased and he took full part in the hearing.
8. At point 4 the claimant says that I considered only one side and I did not consider all the documents. He does not say what he suggests I omitted to consider. I considered what both parties said to me, and showed me at the hearing.
9. Point 7 says that the tribunal made an error in not filing the claimant's email of 3 April. Paragraph 41 of the judgment deals with this. The respondent doubted that that email had been sent. I gave the claimant the benefit of the doubt however, and assumed that he had sent the email dated 3 April. This though was not the ground on which I found that he had not complied with the Unless Order of 30 March 2017.
10. At point 9, the claimant says that the tribunal had not dealt with his applications for extensions of time dated 10 January, 29 March and 2 April 2017, and he says that those applications are outstanding.

10 January 2017

11. There is no application by the claimant for an extension of time dated 10 January 2017 on the tribunal file. There is a document received on 11 January 2017 from the claimant by the tribunal, but that encloses a schedule of loss and a list of documents. It is not an application for an extension of time.
12. The claimant did make an application for an extension of time by email dated 8 February 2017. That application was granted by Employment Judge Manley and the parties were notified of this by letter dated 9 February 2017.

29 March 2017 and 2 April 2017

13. There are no applications for extension of time from the claimant dated 29 March 2017 or 2 April 2017 on the tribunal file.
14. The claimant made no references to any such applications at the hearing on 8 November 2017. He did not say that he had made applications for extensions of time but the tribunal had not dealt with them: he said that he had complied with the Unless Order.
15. Point 11 says that there was new evidence which was not taken into consideration. It is not clear from the application what evidence this is.

16. At point 12 the claimant says that documents were not in the file. He does not identify these documents. The claimant did not send the documents from the list to the tribunal and had not been ordered to do so. The question was whether he had sent them to the respondent.
17. Point 13 requests a reconsideration in the interest of justice.
18. The claimant does not identify the error of law he says was made (point 14).
19. For those reasons, I consider that there is no reasonable prospect of the judgment being varied or revoked and I reject the application.

Employment Judge Heal

Date: 19.01.18

Sent to the parties on: 19.01.18.....

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For the Tribunal Office