



EMPLOYMENT TRIBUNALS

Claimant: Mr K Farrell
Respondent: Docsinnovent Limited
Heard at: Reading **On: 8 March 2018**
Before: Employment Judge Gumbiti-Zimuto
Appearances
For the Claimant: By Submission dated 1 September 2017
For the Respondent:

DECISION OF APPLICATION FOR A RECONSIDERATION OF JUDGMENT

Claimant's application for a reconsideration of the judgment sent to the parties on the 18 August 2017 is refused on the grounds that it reveals no grounds for a reconsideration and has no reasonable prospects of success.

REASONS

1. A Tribunal may on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. An Employment Judge shall consider any application for reconsideration. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked, the application shall be refused and the Tribunal shall inform the parties of the refusal.
2. On the 1 September 2017 the claimant made an application for a reconsideration of the judgement sent to the parties on 18 August 2017 following a hearing that took place between the 27 and 31 March 2017.
3. For reasons which I am unable to explain it was not until today, 8 March 2018, that the application for a reconsideration was place before me.
4. The claimant's application for a reconsideration appears to arise from the contention that at a preliminary hearing prior to the full merit hearing the

claimant raised issues about disclosure of documents. During the full merits hearing the respondent produced to him a supplementary bundle of documents but as the claimant was acting in person he was not able to full consider these documents and work then into his presentation of the case. The result being that he was thus not able to present his case before me as he would have wished to do.

5. My approach to this application for a reconsideration is to consider whether it is demonstrated by the claimant that there is an arguable case, that is an argument that has a prospect of success.
6. The claimant has produced a document which has the title "*A. Supplementary background about my claims against the respondents*". In paragraph "o" the claimant states that the he has discovered the respondents have falsified a large body of critical documents and withheld others.
7. In a document which has the title "*B. Roy Lambert – New Evidence about rogue legal services for Docsinnovent Ltd.*" The claimant launches an attack on Mr Roy Lambert. Mr Lambert did not give evidence in the case. Mr Lambert is referred to in the judgment sent to the parties on the 18 August 2017 as giving advice to Dr Nasir after a meeting at the Zanzibar restaurant on 4 February 2015. The claimant in the document attacks Mr Lambert whom he says the respondent hired as part of an elaborate scheme to deceive the claimant. The claimant says that Mr Lambert provided rouge legal services to get control and advantages over the claimant. The claimant says that "there is conflict in the information supplied to the SRA and what is written in the respondents witness statements, and this destroys the credibility of the respondents witness statement as credible evidence."
8. The claimant refers to the Mr Lambert and the respondent not having "legitimate client-attorney relationship, and this was misleading me and the tribunal judge, resulting in the wrongful withholding of vital evidence." The claimant however does not illustrate what evidence was withheld. In the remainder of the document the claimant makes a number of argumentative points which he suggests ought to have resulted in various conclusions being reached against the interest of the respondent. It is not clear that all the matters referred to were engaged in the proceedings before me or to the extent that they were engaged why the claimant could not have raised the arguments then. The points are argumentative and in the main do not arise from the discovery of any new facts or evidence that could not with reasonable diligence have been obtained at the time of the hearing.
9. In a document which has the title "*C. Respondents falsified & concealed documents – new evidence*". The claimant states that he has now had an opportunity to analyse the respondents' supplementary documents and found that they have deliberately falsified "a large number of vital board of director minutes". The respondent, it is said, have withheld documents

with a view to sabotage the claimant's case. The claimant makes a number of points which could have been made at the hearing and had they been made could have been considered in context. The points made presented as they are isolated from the witnesses and the evidence at the hearing have no resonance that allows me to conclude at this distance that they are well made and would have resulted in different decision.

10. In the document "*D. Respondents concealed other business activities – new evidence*", the claimant set out what he has discovered since the hearing. The information in this document could have been presented at the hearing had the claimant obtained it. The information as presented does not lead me to conclude that my decision would have been different even if presented.
11. The claimant seeks to reargue matters which were either heard at the hearing or to put new matters which were not presented previously at the hearing. The claimant has produced documents which are titled "*E. Evidence of respondents falsified there was no outstanding service employment contracts*"; "*F. Falsifying evidence about the September 2015 project plans and capital budgets*"; "*G. Evidence about the true meaning behind approving financial and management accounts*"; "*H. Misleading the Tribunal about the level of actual time lapsed before I resigned from the employment*". These documents are all seeking to reargue the case in a different way or to present evidence that was available at the hearing or could have, with reasonable diligence, been available for consideration at the hearing. These matters in my view do not form a basis for reconsidering the case in the interests of justice.
12. Finally, the claimant has produced a table which is headed "*Responses to Judge's Judgment Document*". To the extent that this document makes any points that suggest an error in the judgment it should be a matter which is raised on appeal. Having considered the document it appears to me there is nothing in the document which leads me to conclude that there are grounds for a reconsideration of the judgment.
13. The claimant's application for a review is refused. It has no reasonable prospect of success. There are in my view no arguable points made by the claimant in the application.

Employment Judge Gumbiti-Zimuto

Date: 8 March 2018

Sent to the parties on: 15 March 2018.

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For the Tribunals Office