



EMPLOYMENT TRIBUNALS

Claimant: Mrs D Gagic

Respondent: Modo Creative Limited

JUDGMENT

The Claimant's application dated 14 February 2018 for reconsideration of the Judgment sent to the parties on 9 February 2018 is refused.

REASONS

1. Under Rule 71 of the Tribunal's Rules of Procedure, a party may apply for a Judgment to be reconsidered on the ground that it is necessary in the interests of justice to do so. Employment Judge Cox has conducted a preliminary consideration of Mrs Gagic's application under Rule 72(1).
2. Employment Judge Cox makes the following findings in relation to the issues raised in Mrs Gagic's application:
 - a. **Conduct of the Hearing:** Mrs Gagic says that she was under a "great disadvantage" at the Hearing as a result of not being legally represented. The Tribunal in fact took considerable care to ensure that Mrs Gagic had a full opportunity to take part in the Hearing, including giving her guidance on the importance of focusing her questions in cross-examination on the issues in the claim.
 - b. **Detriment claim:** Mrs Gagic mentions three detriments, dated 1 August 2016 and 20 and 29 March 2017. The Tribunal spent considerable time with Mrs Gagic at a Preliminary Hearing and at the main Hearing clarifying and confirming with her what detriments she was alleging. These are set out in paragraph 5 of the written Reasons for the Tribunal's Judgment and are dated 23 May, July and 1 August 2016. In her application Mrs Gagic seeks to provide further evidence on why she did not present her detriment claim earlier. She was given a full opportunity to provide her evidence on this issue at the Hearing. It is not in the interests of justice to re-open this issue on the basis of evidence that she could have given at that time.

- c. **Disability discrimination claims:** Mrs Gagic's disability discrimination claims failed because the Tribunal was not satisfied that the Company knew or could reasonably have been expected to know that she was disabled. The reasons for that conclusion are set out in the written Reasons. Mrs Gagic in effect seeks to put re-present evidence the Tribunal has already heard about the effect of her back condition, how her work aggravated it and what she told the Company about it. It is not in the interests of justice to re-open this issue.
 - d. **Preparation time order:** Mrs Gagic says that her application for a Preparation Time Order was denied because of her lack of experience in putting her case forward and not having all the evidence to hand. In fact, the Tribunal took considerable time and effort in assisting Mrs Gagic to clarify the bases of her application and the evidence upon which it was based. The reasons why her application was refused are set out in the written Reasons. In effect, Mrs Gagic is seeking to reiterate her complaints about the conduct of the Company's legal representative. It is not in the interests of justice to re-open this issue.
3. For these reasons, Employment Judge Cox does not consider that Mrs Gagic has any reasonable prospect of establishing that it would be in the interests of justice for the Tribunal to reconsider its decision. Her application is therefore refused on an initial consideration under Rule 72(1).

Employment Judge Cox

Dated: 21 March 2018