



EMPLOYMENT TRIBUNALS

Claimant

Mrs Lucicleide Guerreiro

Respondent

v

Legal Comfort Associates Ltd

REFUSAL OF RECONSIDERATION APPLICATION

1. At a hearing on 12 February 2018, I gave judgment in this matter. I gave oral reasons at the same time.
2. By an email dated 27 March 2018 (sent to the tribunal at 11.58pm), the Respondent applied for reconsideration of the judgment pursuant to r.71 of Sch. 1 to the Employment Tribunals (Constitution and Procedure) Regulations 2013 (“**the 2013 Regulations**”), on the bases set out in that email (“**the Application**”).
3. The written reasons (“**the Reasons**”) were not sent to the parties until 13 March 2018. Hence the Application was made (just) within the 14-day period for which r.71 provides.
4. I refuse the Application. There is no reasonable prospect of the original decision being varied or revoked. In particular:
 - a. The Respondent challenges numerous findings of fact which I made having heard the evidence of both parties. I preferred the evidence of the Claimant, as explained in the Reasons.
 - b. The Respondent makes submissions (e.g. §11 of the Application) which are contradicted by key paper evidence which was before me, and which I found supportive of the Claimant’s case- see e.g. §7 & 8 and 13 of the Reasons.
 - c. The Respondent appears to refer to fresh evidence -e.g. §1 (“interview notes”), §5 (“other interviewers”), §6 (“meeting notes”) & §17 (“call logs, text messages and office notes”) of the Application- which was not put before me. The Respondent does not explain why this is so.
 - d. The Respondent asserts I did not make “reference at all” to the question of ‘mutuality of obligation’ (and to the Respondent’s case that the Claimant somehow became self-employed from 17 August 2017 and thus no longer

entitled to the salary in her contract). This is incorrect. I addressed and rejected the Respondent's case on point. See §20 & 21 of the Reasons.

- e. Mr Jalib did not dissent when I suggested to him at the hearing that the exceptions set out in Section 13 of the 1996 Act appeared not to apply. I did not then, and do not now, consider Section 13(2)(b) of the 1996 Act assists the Respondent.

- 5. I note three typographical errors in the Reasons. At §12, "posed" should read "imposed", and at §17, "fence" should read "reference", and at §22, "he" should read "she".

Employment Judge P Michell

Dated: 19 April 2018

Sent to the parties on:

For the Tribunal:

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