



EMPLOYMENT TRIBUNALS

Claimant: Mr A Achor
Respondent: Stockport Metropolitan Borough Council

JUDGMENT

The claimant's application dated 20 February 2018 for reconsideration of the judgment sent to the parties on 16 August 2017 is refused.

REASONS

1. I have considered the claimant's application for reconsideration of the judgment sent to the parties on 16 August 2017 in which I dismissed complaints of direct race discrimination and victimisation because those complaints had been withdrawn by his representative in an email of 11 August 2017. That application is contained in an email of 20 February 2018 from his new representative. It asserts that there was a clerical error in the withdrawal correspondence and that only the victimisation complaint was to be withdrawn.

2. Rule 71 requires an application for reconsideration to be made within 14 days of the date the judgment is sent to the parties. That time limit expired at the end of August 2017. I have power to extend time under rule 5. The power to extend time must be exercised in accordance with the overriding objective which appears in rule 2.

3. No grounds for an extension of time have been identified. Further, the application appears to lack merit. The assertion that there was a clerical error in the withdrawal email is inconsistent with three things:

- (a) the absence of any immediate application for reconsideration by the claimant's former representative when the judgment was sent to the parties on 16 August 2017;
- (b) the absence of any reference to this issue at the preliminary hearing on 22 August 2017 when the complaints and issues were discussed in some detail, and
- (c) the absence of any immediate application for reconsideration by the claimant's former representative when the written case management order (setting out the complaints and issues in Annex B) was sent to the parties on 29 August 2017.

4. In the absence of any grounds for doing so I refuse to extend time and the application is therefore rejected.

5. The live complaints and the issues to be determined at the final hearing remain as indicated in Annex B to the case management order from August 2017.

Employment Judge Franey

22 February 2018