



EMPLOYMENT TRIBUNALS

Claimant: Mr J Gibson

Respondent: Pink and Lily Limited t/a The Barn Brasserie

JUDGMENT

The Respondent's application dated **14 June 2018** for reconsideration of the Judgment sent to the parties on **1 June 2018** is refused.

REASONS

1. The Respondent made a timely application for a reconsideration under Rule 71 of the Employment Tribunal Rules of Procedure 2013. The Claimant has not responded with comments but has offered to answer any questions. That has not been necessary.
2. Whether the Claimant was employed as an Assistant Manager or a Manager is not relevant to the issues to be decided. It was not suggested that different contractual provisions would apply.
3. The Respondent's request that the Claimant remain employed, the Claimant's decision to resign, the notice given and the discussion with Mr Kennedy are all matters upon which findings of fact were made. As set out in the findings of fact, the Claimant gave six weeks' notice on 1 October 2017. The Respondent did not object. On 20 October 2017 the Respondent, acting through Mr Kennedy, agreed payment in lieu of notice until 12 November 2017. It was only when the Claimant asserted his rights to be paid the sums due to him that the length of notice he had given was raised by the Respondent. Paragraph 17 is not a criticism of an employer's decision to bring a contract claim but a conclusion that the reason why this contract claim was brought by this Respondent was unsatisfactory in the circumstances of those findings of fact.
4. Overall, the Respondent's application is a repetition of arguments which it made at the hearing in an attempt to re-litigate points which were considered and rejected for the reasons given. Disagreement with the findings and decision of the Tribunal is not a valid ground for reconsideration.
5. Having considered the grounds of the application, I conclude that it is not necessary to reconsider the Judgment in the interests of justice. None of the

Case No: 3200005/2018

matters raised by the Respondent are such that they would give any reasonable prospect of original decision being varied or revoked.

Employment Judge Russell

4 July 2018