



EMPLOYMENT TRIBUNALS

Claimant: Mr A Joseph

Respondent: Pinnacle Housing Limited

JUDGMENT

The Claimant's application dated 31st October 2017 (as clarified by letter dated 4th December 2017) for reconsideration of the remedy judgment sent to the parties 31st October 2017 is refused. It is not necessary in the interests of justice for this matter to be reconsidered.

REASONS

Under Rule 70 of the Employment Tribunal Rules of Procedure 2013 a Judgment may be reconsidered where it is in the "interests of justice to do so". However, this does not mean that every disappointed litigant is entitled to a reconsideration. Something particular is required to establish this ground.

The Claimant seeks a reconsideration of the reductions to the award made for Polkey and contributory fault. However his application for reconsideration does not raise any matters that were not (or could not have been) raised during the hearing. It is simply an attempt to reargue the Claimant's case and to make additional submissions on matters that the Tribunal has already considered.

The application also states that there should have been an uplift to the award for failing to follow the AAS Code of Practice. In his schedule of loss the Claimant claimed this uplift on the ground that he was not entitled to be accompanied by a companion of choice at the disciplinary hearing (see schedule of loss dated 31st August 2017) but the Tribunal made no finding that there had been a breach of the ACAS code in this respect. No other arguments relating to failures to comply with the ACAS code were advanced at the remedies hearing.

A reconsideration hearing is not a means by which a party can have a second shot at arguing his case. The Tribunal has now heard and considered the evidence and submissions of both parties and come to a conclusion. There is

no reasonable prospect of the original decision being varied or revoked.

Employment Judge Frances Spencer

Dated 18th January 2017