



EMPLOYMENT TRIBUNALS

Claimant: Mr S Powley

Respondent: Lynsey Thornwaite

JUDGMENT ON RECONSIDERATION

In exercise of the power conferred by Rule 72 of the Rules of Procedure set out in Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, I refuse the application for a reconsideration by the claimant contained in her email of 7 November 2018 because there is no reasonable prospect of the original decision being varied or revoked under rule 72(1).

REASONS

1. The basis of the respondent's application for a reconsideration of the Judgment is that she sent evidence to the Employment Tribunal which she believes was not considered at the hearing of 24 October 2018. This appears to be a reference to an email of 18 September 2018 which the respondent sent to the tribunal in advance of the hearing. The respondent did not attend the hearing.
2. Before reaching its decision the tribunal read and considered the respondent's email of 18 September 2018, the documents attached to it and the response form. The claimant was given an opportunity to comment upon the respondent's documents, which included a letter in which the respondent summarily dismissed the claimant for allegedly "maliciously abandoning his post". The claimant, who attended the hearing in person, refuted that allegation and said that he did not "abandon his post" but rather was genuinely ill and had informed the respondent of his illness. The tribunal preferred the evidence of the claimant who appeared in person and presented as a genuine witness. The respondent was ordered to pay the claimant his statutory notice pay of one week.

3. The request for reconsideration does not disclose any additional information or evidence to show that there is any reasonable prospect of the original decision being varied or revoked.

1 **Case No. 2404441/2018**

4. The application is therefore refused pursuant to Rule 72(1). There must be finality in litigation.

Employment Judge Humble

Date 22nd November 2018

JUDGMENT ON RECONSIDERATION SENT TO THE PARTIES
ON

.27 November 2018.

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FOR THE TRIBUNAL OFFICE