



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss N. Wood

**Respondent:** Liz Earle Beauty Co. Limited

**Heard at:** EXETER                      **On:** Monday, the 10<sup>th</sup> September 2018  
and Tuesday, the 11<sup>th</sup> September 2018

**Before:** Employment Judge D. Harris  
Ms S.M Christisan  
Mr I. Ley

## **Representation**

Claimant: Mr Benzin (Claimant's partner)  
Respondent: Mr N. Moore (counsel)

## **JUDGMENT ON SECOND APPLICATION FOR RECONSIDERATION**

The judgment of the Tribunal is that the Claimant's second application for a reconsideration is refused because there is no reasonable prospect of the decision made at the conclusion of the final hearing on the 11<sup>th</sup> September 2018 or the decision made in response to the first application for reconsideration being varied or revoked.

## **REASONS**

1. The Claimant has applied for a reconsideration of the Tribunal's judgment given in writing on the 19<sup>th</sup> November 2018 in response to the Claimant's first application for a reconsideration of the Tribunal's oral judgment made at the conclusion of the final hearing on the 11<sup>th</sup> September 2018.

2. Having carefully read and considered the concerns raised by the Claimant in her second application for a reconsideration, which is dated the 12<sup>th</sup> December 2018, it is the judgment of the Tribunal that the second application for a reconsideration is substantially the same as the first application, which was refused by the Tribunal.
3. The Tribunal is not persuaded by the second application that there are any special reasons that apply to the case that would justify a different outcome from the first application for a reconsideration.
4. The Tribunal has given its reasons, in its judgment dated the 19<sup>th</sup> November 2018, for rejecting the Claimant's contention that inconsistent Case Management Orders were made in the course of the proceedings. In the judgment of the Tribunal the case management of the proceedings was conducted in a fair and proper manner as was the final hearing that took place over the course of 2 days on the 10<sup>th</sup> and 11<sup>th</sup> September 2018.
5. There being no criticism of those involved in fixing the time estimate for the final hearing, the time estimate of 4 days was shown to be an over-estimate. The parties, at the final hearing, were given ample opportunity to call their evidence and to challenge the evidence of the other party. At the conclusion of the evidence, the parties were given ample opportunity to make their closing addresses, which they both did with clarity and concision to their credit. No time constraints of any sort were imposed upon any party in relation to the evidence or the closing submissions. The Tribunal then took time to deliberate and reach its decision. The decision was unanimous that the Claimant had not established her claims of age discrimination, harassment and victimisation.
6. The contention that any part of the proceedings was rushed is rejected as is the broader contention that something went radically wrong with the procedure adopted at the final hearing that resulted in a denial of natural justice.

7. Accordingly the Tribunal refuses the second application for reconsideration pursuant to Rule 72(1) because there is no reasonable prospect of the original judgment or the judgment in response to the first application for a reconsideration being varied or revoked.

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**Employment Judge David Harris**

Dated: 27<sup>th</sup> December 2018