



EMPLOYMENT TRIBUNALS

Claimant: Miss S Ward

Respondents: (1) Department for Work and Pensions
(2) Miss L Mayhew

JUDGMENT

The Claimant's application dated 10 December 2018 for reconsideration of the Judgment as to remedy sent to the parties on 7 December 2018 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because it is not necessary in the interest of justice. The Claimant's application relates only to the Tribunal not making any award in respect of damages for personal injury. The Claimant's original schedule of loss prepared in advance of the liability hearing included compensation under the heading of "personal injury". The Claimant indeed referred to Judicial College Guidelines for the assessment of general damages in personal injury claims, classifying her psychiatric injury as moderately severe. She was aware of the issues potentially to be determined. The hearing which took place in April and June 2018 was intended to deal with all issues as to liability and remedy. At the remedy hearing on 3 December 2018, the Tribunal had before it the Claimant's complete medical records and copies of letters detailing the Claimant's diagnosis and state of health from various medical practitioners who had responsibility for the Claimant's care. Those were fully considered by the Tribunal. It is not for the Tribunal to provide legal advice to assist the parties as to the extent of the evidence required to prove their claims.

To allow a reconsideration would be to reopen the matter to give the Claimant a second opportunity to provide evidence which could reasonably have been before the Tribunal at the earlier remedy hearing. She has had a fair opportunity to do so and she is effectively seeking to reargue her case forewarned now as

to the gaps identified by the Tribunal. The interests of justice must be seen from both sides.

Employment Judge Maidment

Date 18 February 2019

JUDGMENT SENT TO THE PARTIES ON

Date 19 February 2019

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FOR THE TRIBUNAL OFFICE