EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
Mr Conrad Tokarczyk	v	Nuffield Health

CONSIDERATION ON AN APPLICATION FOR RECONSIDERATION

1. The claimant's application dated 5 February 2019, for reconsideration of the judgment sent to the parties on 22 January 2019, is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked because the interests of justice do not require such a reconsideration

2. The claimant's grounds for reconsideration are premised on his disagreement with the tribunal's findings, preferring the evidence of Mr Pizan in respect of his being asked to carry an item of gym equipment. The findings of the tribunal were found on a consideration of the respective cases put forward by the claimant and respondent; due consideration being given thereto, and upon which the tribunal made its determinations.

3. The claimant seeks to challenge the tribunal's findings on grounds that the tribunal has misunderstood the evidence as to the item of gym equipment referenced; its function and normal usage, which misunderstanding the claimant submits lead the tribunal to prefer the evidence of Mr Pizan. The tribunal was fully aware of the equipment and the nature of the item in question, being a platform that attached to its parent machine, which platform was removeable, but which did not have a function away from the parent machine.

4. The tribunal fully considered the evidence presented to it, reaching its decision thereon, which are not affected by the submissions being made by the application for reconsideration; the tribunal's reasoning for preferring the evidence of Mr Pizan is clearly set out at paragraphs 86 and 87, of the tribunals Judgment, and in which there was no misunderstanding of the relevant gym equipment.

5. There is no reasonable prospect that the tribunal will revoke or vary the decision on the arguments being advanced by the claimant.

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Employment Judge Henry

Date: 26 / 2 / 2019

Sent to the parties on: 6 / 3 / 2019

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For the Tribunal Office