



EMPLOYMENT TRIBUNALS

Claimant: Mr D Harvey

Respondent: Navarre Transport Services Limited

JUDGMENT

The Respondent's application dated 30 July 2018 for reconsideration of the judgment sent to the parties on 17 July 2018 is refused.

REASONS

1 The relevant details of the Respondent's application for reconsideration are as follows.

2 On 2 May 2018 a hearing took place of the above Claimant's claim against the Respondent, being a claim for holiday pay. I was the judge that heard the case.

3 My judgment was that the Claimant was a worker of the Respondent and entitled to holiday pay. I ordered the Respondent to pay the Claimant £4895.48 holiday pay.

4 The judgment was sent by the Tribunal to the parties on 17 July 2018. An application has been made by Mr Taylor, director of the Respondent, for the judgment to be reconsidered. The application was made on 30 July 2018 and, therefore, is in time.

5 The grounds of the application are that, Mr Taylor states, that I erred in my application of the law and/or my application of the facts to the law; and that it would be in the interests of justice that the judgment be reconsidered. Reasons were given as to the errors of law he says were made.

6 There is no reasonable prospect of the original decision being varied or revoked, for the following reasons.

7 The interests of justice involve justice to both sides. Finality is an important aspect of justice, as most parties that lose a case would like to have the case reopened and a different decision made.

8 The grounds for reconsideration given, that I have misinterpreted the law, is not an appropriate ground for reconsideration within the meaning of Rule 70 of the Employment Tribunals Rules of Procedure 2013. Firstly, I do not agree that I have misinterpreted the law. Secondly, and more to the point, if I have done so, the appropriate mechanism for correcting the error is by lodging an appeal against the judgment. That is what appellate courts are for.

10 The application for reconsideration is, therefore, refused.

Employment Judge **Goodrich**

5 September 2018