



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Mallon

**Respondent:** Jonathan Lee Recruitment Limited

## JUDGMENT

The claimant's application dated 8 April 2019 for reconsideration of the judgment sent to the parties on 26 March 2019, reasons sent out 30 April 2019 is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

Having considered the various emails sent by the claimant since 8 April 2019:

1. Mr Mallon was told, by a notice dated 21 February 2019, that the tribunal would consider the respondent's application for costs at a 3 hour hearing on 25 March 2019, and that it was his responsibility to bring along copies of any relevant documents (or witnesses).

2. I checked with Mr Mallon at the start of the hearing if he needed any adjustments to the hearing in order for him to participate, but he declined. The information he has subsequently provided refers to him having been diagnosed with educational dyspraxia, a processing disorder which affects organizational skills and the structure of written assignments, the quality and speed of his handwriting etcetera. He has not explained why these materials could not have been produced at the hearing.

3. His language skills are said to be above average, however, and he was able to represent himself clearly at the hearing and, as I say, refused the offer of any adjustments. Mr Mallon has, as is apparent from my judgment, participated in other tribunal hearings and so would have a reasonable idea of what to expect. He did not suggest that he was unable to understand the respondent's email sent on 22 May 2018 and, on the contrary, replied very clearly and directly to it. His response to that email was central to my decision to exercise my discretion to award costs, and I cannot see anything in the material subsequently provided that would persuade me to alter my reasoning.

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4. The claimant says, in his email dated 8 April 2019 sent at 14.12, that the email of 22 May 2018 from the respondent and his response to it were not about the job his claim was about – but his claim does not actually identify any particular job for which he applied to the respondent, and the basis of my reasoning was that, whether or not the email relates to a specific job, the claimant displayed in his response that he was not willing to give the respondent the basic information it required if it was to make reasonable adjustments – despite the Northern Ireland Tribunal having made it clear, the previous year, that he must do more than say that he is disabled and needs adjustments (without explaining what his condition is).
5. The P60 which he has produced does not appear to be inconsistent with the oral evidence he gave of his means, and does not affect my decision.
6. For those reasons I do not consider that there is any reasonable prospect of the original decision being varied or revoked as I do not consider that there are grounds for saying that it would be necessary in the interests of justice to do so.

Employment Judge Findlay  
13 May 2019