



EMPLOYMENT TRIBUNALS

Claimant: Dr A. Ahari

Respondent: University College London Hospitals NHS Trust

JUDGMENT

The claimant's application dated 2 May 2018 for reconsideration of the judgment sent to the parties on 18 April 2019 is refused under rule 72 of the Employment Tribunals Rules of Procedure 2013.

REASONS

1. On 2 May 2019 the claimant wrote asking for the judgment to be reconsidered. The letter is 28 pages with attachments. I understand these to be the documents the claimant had wanted to be included in the hearing bundle, and did not have with him at the hearing.
2. Under the Employment Tribunal Rules of Procedure 2013 a request for reconsideration may be made within 14 days of the judgment being sent to the parties. By rule 70 a Tribunal "may reconsider any judgment where it is necessary in the interest of justice to do so", and upon reconsideration the decision may be confirmed varied or revoked.
3. Rule 72 provides that an Employment Judge should consider the request to reconsider, and if the judge considers there is no reasonable prospect of the decision being varied or revoked, the application shall be refused. Otherwise it is to be decided, with or without a hearing, by the Tribunal that heard it.
4. Under the 2004 rules prescribed grounds were set out, plus a generic "interests of justice" provision, which was to be construed as being of the same type as the other grounds, which were that a party did not receive notice of the hearing, or the decision was made in the absence of a party, or that new evidence had become available since the hearing provided that its existence could not have been reasonably

known of or foreseen at the time. The Employment Appeal Tribunal confirmed in [Outasight VB Ltd v Brown UKEAT/0253/14/LA](#) that the 2013 rules did not broaden the scope of the grounds for reconsideration (formerly called a review).

5. The application grounds are, in summary:
 - 5.1 the respondent did not include all the documents in the hearing bundle
 - 5.2 the evidence about the availability of relevant witnesses is untrustworthy
 - 5.3 the respondent should not have alluded to his other applications to employment tribunals over the years.
6. The claimant does not say why the omitted documents would have presented a different picture of the time points on which the judgment was based.
7. The emails show the respondent did bring to the hearing the additional material he emailed to them in the days before the hearing.
8. I cannot see how the documents attached to his 2 May emails would present a different picture. Some were sent to the tribunal on the morning of the hearing and are very hard to understand, for example the “evidence regarding my research on harms of computing that I reported to HRH Princess Royal and her kind advice to me”.
9. The evidence about Dr Ingram, Dr Hulf and Dr Hamilton Davies was heard and tested. Dr Ingram died in a sailing accident some years ago, Dr Hulf is untraced. It remains that the witnesses, if they are available, are being asked to recall events a long time ago, and that affects the cogency of the evidence. I do not understand the relevance of the reference to the ethnicity of the witness on the tracing of former employees.
10. The claimant does not show how it was wrong to think his tribunal claims experience meant he knew about time limits and how to start a claim. He was not taken by surprise by new information - he conducted the claims.
11. The claimant had a full opportunity to present his claims and to adduce documents. It is not shown how any other documents would have made a difference. They were, presumably, available on his laptop.
12. I conclude that it is not shown that there are any reasonable prospects of the decision to strike out the claims being successfully reconsidered in the interest of justice.
13. I note from the application that the claimant made a recording of the hearing. I was not asked at the hearing for permission to make a recording and was not aware he was recording. In any event, the section that he has transcribed does not show why it is in the interests of justice to reconsider the decision.

Employment Judge GOODMAN

Date 9 May 2019

JUDGMENT SENT TO THE PARTIES ON

20 May 2019

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FOR THE TRIBUNAL OFFICE