



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms Michelle Gayle

v

Luton Borough Council

Heard at: Watford

On: 3 May 2019

Before: Employment Judge Bedeau

Written representations

For the Claimant: In person

For the Respondent: Mr Jasbir Josen, senior solicitor

RECONSIDERATION JUDGMENT

Under Rule 71 of the Employment Tribunals Rules of Procedure

The application by the claimant for a reconsideration of the judgment sent to the parties on 19 February 2019, is refused.

REASONS

1. On 5 March 2019, the claimant applied for a reconsideration of the judgment on liability sent to the parties on 19 February 2019. In a 12 page document she set out the bases of her application. This was later supported by another document sent to the tribunal on 15 April 2019 but dated 31 March 2019.
2. Numerous references have been made to the tribunal's findings of fact and conclusions. The claimant asserts that she told the truth during her evidence and repeated what she said during the hearing that Mr Ian Cartmell created a hostile atmosphere in the work place. She relies on alleged new evidence, namely a newspaper article published on 7 March 2018 by Professor Lindie Liang, Laurier University, Ontario, Canada, seven months prior to the

hearing, who concluded, according to the claimant, that voodoo dolls could help staff.

3. The claimant also claims that her Article 6 right to a fair hearing is engaged.
4. I invited the respondent to respond to the application before I considered my powers under rule 71(2) Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, as amended.
5. In the respondent's response dated 28 March 2019, it is denied that the evidence is new as it was available at the time of the hearing. In addition, there was no procedural error or mishap and the claimant was not denied a fair hearing.
6. Rule 72(1) provides for a preliminary consideration of an application for reconsideration without the need to hold a hearing. The application is to be rejected if it is considered that there is no reasonable prospect of the judgment being either varied or revoked.
7. The evidence referred to by the claimant is not new as it was accessible prior to and during the hearing. The voodoo doll incident was not a claim before the tribunal although the tribunal made findings in respect of it.
8. The claimant was given every reasonable opportunity to present her case. The tribunal even allowed her and her husband to participate. She called her own witnesses who gave evidence. The issues covered 8 pages of the judgment. The joint bundle comprised of 2,180 pages. The tribunal spent the first day reading with the rest of the days devoted to evidence and submissions. Two days were spent in discussion in the absence of the parties.
9. The tribunal made proper findings of fact consistent with the evidence and applied the relevant law to the findings in the conclusion. The outcome of which went against the claimant.
10. Having considered the application, I am satisfied that there is no reasonable prospect of the judgment either being varied or revoked. Consequently, the claimant's application is refused.

Employment Judge Bedeau

Date: 03/05/2019

Sent to the parties on: 30/05/2019

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For the Tribunal Office