



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE K ANDREWS
MEMBERS: Ms C Bonner
Ms T Williams

BETWEEN:

Ms T Emerson

Claimant

and

Arriva London South Ltd

Respondent

REASONS FOR REFUSAL OF REQUEST FOR RECONSIDERATION SENT TO THE PARTIES ON 10 DECEMBER 2018

1. Judgment in favour of the respondent in this matter was sent to the parties on 24 August 2018.
2. On or around 6 September 2018 the claimant submitted a lengthy and detailed request for a reconsideration of that Judgment. I considered that request on 3 October 2018. I analysed the request seeking to identify the claimant's arguments and concluded that most of the matters she raised were matters that had been fully considered at the original hearing and taken into account by the Tribunal in making our decision. For those matters therefore there was no reasonable prospect of that decision being varied or revoked.
3. There were other matters in the request that had not been previously raised but were either irrelevant or the claimant had had every opportunity to do so and therefore again offered no reasonable prospect of the decision being varied or revoked.
4. I did identify however some specific matters the claimant referred to in her request that could possibly raise a prospect of variation or revocation and accordingly a letter was written to the parties on 8 October 2018 identifying those matters and asking for specific comments. In particular the comments requested from the claimant were with regard to how and when she obtained documents not previously submitted with regard to Mr Leach.

5. The claimant replied on the following day confirming that she had had the Leach documents since before September 2017 but had forgotten about them and further that as a lay person she had not fully understood their relevance.
6. Having regard to that reply, and the reply received from the respondent on 15 October 2018 on the relevance of the matters I identified in the letter of 8 October 2018, I remained of the view that there was no reasonable prospect of the original decisions being varied or revoked. Even taking into account that the claimant was acting in person (although she did this very competently as noted at paragraph 12 of the original decision) and the possible effects of the claimant's disability on her memory, there are good public policy reasons why Tribunals are entitled to expect parties to present claims in their entirety at a hearing and to ensure they include all relevant issues and documents available to them.
7. In any event, I noted that the respondent had made good points in reply to the points I had identified as being possible matters for reconsideration.
8. In all these circumstances I refused the claimant's request. These reasons for that refusal should have been given to the claimant at the time and I cannot now explain why they were not other than simple error. Apologies to the claimant for the delay.

Employment Judge K Andrews
Date: 9 July 2019