



EMPLOYMENT TRIBUNALS

Claimant: Mrs M Ateh
Respondent: Globalgrange Ltd

JUDGMENT

The Claimant's application dated 24 June 2019 for reconsideration of the judgment sent to the parties on 10 June 2019 is refused.

REASONS

There is no prospect of the decision being varied or revoked for the following reasons:

1 The Claimant's first ground for seeking reconsideration is that the Tribunal did not consider whether the reason for the dismissal was that the Claimant had witnessed the Kapoor incident or that she was in Tony Matharu's camp. It is clear from the decision that the Tribunal did consider those possibilities and rejected them. The Tribunal said, at paragraph 51, that the reason for the dismissal was that the Respondent no longer required the Group Spa Manager role and, at paragraph 52,

"Nor did we accept that that was not the real reason for the dismissal and the real reason was that she had witnessed the assault on 15 May or that she had reported to Tony Matharu."

2 The second ground is that the Tribunal did not consider why the Respondent did not consider suitable alternative employment. The Tribunal did consider whether the reason for that was that the Claimant had made protected disclosures in the context of her protected disclosure detriment claims and concluded that it was not. The Claimant has no complaint about that decision. As far as the unfair dismissal claim is concerned, once the Respondent has proved that the reason for the dismissal is a reason falling within section 98(2) ERA 1996 (as the Respondent here did), the dismissal can only be unfair under section

98(4) ERA 1996. It matters not for the purpose of section 98(4) what the reason for the unfairness is.

Employment Judge Grewal

Date 22nd July 2019

JUDGMENT SENT TO THE PARTIES ON

23rd July 2019

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FOR THE TRIBUNAL OFFICE