



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Ghaffur

**Respondent:** AGE UK Calderdale and Kirklees

## JUDGMENT on application for RECONSIDERATION

The application of the claimant for reconsideration of the remedy decision, dated 26 July 2019 and sent to the Tribunal by email of his representative on 30 July 2019, is refused. There are no reasonable prospects of the remedy decision being varied or revoked.

## REASONS

1. By rule 70 of the Tribunals Rules of Procedure, a Tribunal may reconsider any judgment when it is necessary in the interests of justice to do so on the application of a party or of its own volition. If it reconsiders the original the decision, it may confirm it, vary it or revoke it.
2. By rule 72(1) the application for reconsideration shall be refused by an employment judge if he considers there is no reasonable prospect of it being revoked or varied.
3. The first ground in support of the application mischaracterises the findings of the Tribunal. The claimant was not defending the claim, as he suggests. He brought the claims. One was for unfair dismissal under general principles and the other for unfair dismissal on the ground he had made protected disclosures. He succeeded on the first and failed on the second. The fact he did not contribute to his dismissal was nothing to the point. The breakdown of trust and confidence was because of conduct after the dismissal, not before it. It is not necessary to repeat the details of that conduct which is set out in the reasons for both decisions on liability and remedy.
4. The second ground concerns an application for wasted costs. By paragraph 4 of the Case Management Order sent to the parties on 10 January 2019 the Tribunal ruled that any costs application would be dealt with at the determination of the hearing on liability and remedy. At the conclusion of the remedy hearing, having delivered judgment on remedy, the Employment Judge asked the parties if there were any further matters. Neither party indicated that there were. Were either party to seek any further order, it was the responsibility of the respective representatives to have raised any costs issues at that time. Rather than do so, the claimant's

representative walked out of the Tribunal whilst it was still sitting, making disobliging remarks.

5. The Tribunal has not made any determination on the claimant's application for costs, as it has not been pursued. There is no decision to confirm, vary or revoke. If the claimant seeks to pursue the application for costs, contained in an email dated 24 November 2018 from his representative, he must serve written notice on the respondent of the grounds upon which that application is made, by reference to rule 74 to 84 and file those grounds with the Tribunal. The grounds must include confirmation that the claimant's lay representative charged the claimant for the representation and he must provide a detailed breakdown of the sums claimed by reference to hours of work undertaken. That application shall then be determined by the Tribunal, either at a further hearing or on consideration of the parties' written representations.

6. In respect of the third ground, the claimant is seeking to raise the same arguments on matters which have been ruled upon. A reconsideration hearing is not to give a party the opportunity to repeat or reformulate his or her case. That is not necessary in the interests of justice.

Employment Judge D N Jones

Date 01 August 2019

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