



EMPLOYMENT TRIBUNALS

Claimant: Ms C Stott

Respondent Ralli Limited

JUDGMENT ON A RECONSIDERATION

The claimant's application dated 28 June 2019 for reconsideration of the Judgment sent to the parties on 25 June 2019 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. I have considered the claimant's application for reconsideration of the Judgment. The application was emailed by the claimant and received by the Tribunal on 28 June 2019. I have taken the contents of the application into account.

Rules of Procedure

2. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application without convening a reconsideration hearing if I consider there is no reasonable prospect of the original decision being varied or revoked.
3. The test is whether it is necessary in the interests of justice to reconsider the Judgment (rule 70). Broadly, it is not in the interests of justice to allow a party to reopen matters heard and decided, unless there are special circumstances, such as a procedural mishap depriving a party of a chance to put their case or where new evidence comes to light that could not reasonably have been brought to the original hearing and which could have a material bearing on the outcome.

The application

4. The claimant failed in her claim of disability discrimination. Her application for reconsideration largely expresses her dismay and disagreement with the conclusion that her claim should be dismissed.
5. Despite the points raised in her application, there is no reasonable prospect of the claimant establishing that the Tribunal made an error of law, or that any of the conclusions on the facts were perverse. Such contentions are in any event better addressed in an appeal than by way of reconsideration. However, the claimant's application contains a limited number of substantive points. I have considered each point in turn.
6. In the introductory paragraph of her application, the claimant contends that the "judgement lacks even the basic facts brought by the claimant". The claimant has not said what basic facts she alleges are missing. The Tribunal made detailed findings of fact which are set out in its Judgment at paragraphs 52 to 89. In doing so, the Tribunal took account of the chronology prepared by the respondent and added to by the claimant – see paragraph 31 - albeit that the Tribunal accepted the unchallenged evidence of the respondent's witness in relation to the claimant's suggestion that a meeting took place on 12 October 2017 – see paragraph 59.
7. Point 1 of the application appears to relate to the recruitment process. The Tribunal's Judgment in respect of the respondent's recruitment practices is set out in paragraph 139.
8. Point 2 appears to consist of the claimant attempting to raise an issue about what questions the respondent had, or had not asked her at an unspecified time. However, it was the claimant's case that the respondent had repeatedly asked her questions or for information which had already been supplied in relation to referees – see the allegation at paragraph 4.1 and the Tribunal's conclusions at paragraph 113.
9. In point 3, the claimant alleges that the Employment Judge did not take into consideration the needs of the claimant. This suggestion is refuted – see in particular paragraphs 11 and 12.
10. The claimant did not pursue an allegation about part-time hours nor did she raise Katie Grimshaw as a comparator in relation to any aspect of her claim of direct discrimination. The claimant's claim of direct discrimination was discussed in detail at a preliminary hearing on 6 June 2018 and was reviewed with the claimant at the start of the hearing. The allegations pursued by the claimant as direct discrimination are set out at paragraphs 4.1, 4.3, 4.4 and 4.5 together with an allegation that her dismissal was an act of discrimination. The claimant's complaint of unfavourable treatment arising from disability was pursued only in relation to her dismissal.

11. The claimant makes a number of allegations to the effect that the Employment Judge was biased: in Point 4, the claimant alleges that the Employment Judge “was obviously erring towards the respondent case” and “has closed ranks with the respondent”. These allegations of bias are not substantiated and are in any event refuted.
12. The claimant’s allegation in point 5 that the Judgement is “unconstitutional and contrary to the Working Regulations that have been set by Parliament” is not particularised and not understood.
13. Point 6 refers to “false facts” but does not say to what this allegations relates. It is, in any event, not in the interests of justice to reopen matters once decided.
14. In the final paragraph of her application, the claimant alleges that the Employment Judge “had made the decision prior to the hearing of the trial” which is understood to be a reference to the Judgment dismissing the claimant’s claim. The Judgment was the unanimous decision of the full Tribunal consisting of the Employment Judge and 2 non-legal members, and was reached after a full day’s deliberations in chambers – see paragraph 1 of the Judgment.
15. I am satisfied that the Tribunal clarified the claim, the issues to be determined, the procedure for the hearing, reasonable adjustments for the claimant, the purpose of cross examination and the purpose of closing submissions to the claimant and assisted her in that regard by taking her through each of the issues to be determined in the case.

Conclusion

16. Having considered all the points made by the claimant I am satisfied that there is no reasonable prospect of the original decision being varied or revoked. The application for reconsideration is refused.

Employment Judge Batten
Date: 2 August 2019

JUDGMENT SENT TO THE PARTIES ON:

16 August 2019

Case Number 2404151/2018

FOR THE TRIBUNAL OFFICE