



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms Jennifer Benjamin

v

The Markfield Project

At: Watford

On: 14 August 2019

Before: Employment Judge Bedeau

Written representations

For the Claimant: In writing

For the Respondent: In writing

RECONSIDERATION JUDGMENT

Under Rule 71 of the Employment Tribunals Rules of Procedure

The application by the claimant for a reconsideration of the remedy judgment sent to the parties on 8 March 2019, is refused.

REASONS

1. On 22 March 2019, the claimant applied for a reconsideration of the judgment on remedy sent to the parties on 8 March 2019. In a 6-page document she set out the basis of her application supported by documents tending to show that she mitigated her losses by searching for employment.
2. Numerous references have been made to the claimant's dyslexia and the difficulty she experiences in processing and documenting information. The in the liability judgment given orally by the tribunal on 17 October 2018, the tribunal concluded that her condition is a disability under the Equality Act 2010. Of importance the tribunal concluded that there had been a failure to make reasonable adjustments by not taking into account her dyslexic condition.

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3. The claimant produced documents printed from her email account on 21 March 2019, purporting to show that she was actively engaged in looking for work from 3 October 2016 to 10 December 2018.
4. The remedy hearing was held on 16 January 2019.
5. The concern the tribunal had was in determining what the claimant was doing from 26 October 2016? We concluded that by then she decided to qualify as a teacher and had enrolled on a PGCE course.
6. The documentary evidence she forwarded to the tribunal which were received on 22 March 2019, shows that on 3 October 2016, she registered with Saddlers House recruitment agency; on 20 October she was in the process of registering with Sugarman Education; on 6 November 2016, she joined the Etech Supply Team which supplies teaching staff to schools; the next document in time, dated 27 June 2017, refers to her being shortlisted for the position of Under 3s Nursery Manager.
7. The documents lend support to the tribunal's findings and conclusion that the claimant's focus, in late October 2016, was on her PGCE course and on qualifying as a teacher.
8. Rule 72(1) provides for a preliminary consideration of an application for reconsideration without the need to hold a hearing. The application should be rejected if it is considered that there is no reasonable prospect of the judgment being either varied or revoked.
9. My powers under rule 71(1) Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, as amended, is to consider whether there is a reasonable prospect of the remedy judgment being either varied or revoked.
10. Having considered the application, for the reasons given in paragraphs 5, 6 and 7 above, I am satisfied that there is no reasonable prospect of the remedy judgment being either varied or revoked. Consequently, the claimant's application for a reconsideration is refused.

Employment Judge Bedeau

Date: 14 August 2019.....

Sent to the parties on:

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For the Tribunal Office