



EMPLOYMENT TRIBUNALS

Claimant: Mrs A. Balakumar

Respondent: Imperial College Healthcare NHS Trust

JUDGMENT

The claimant's application dated 5 September 2019 for reconsideration of the judgment sent to the parties on 23 August 2019 is refused under rule 72 of the Employment Tribunals Rules of Procedure 2013.

REASONS

1. On 5 September 2019 the claimant wrote asking for the judgment to be reconsidered.
2. Under the Employment Tribunal Rules of Procedure 2013 a request for reconsideration may be made within 14 days of the judgment being sent to the parties. By rule 70 a Tribunal "may reconsider any judgment where it is necessary in the interest of justice to do so", and upon reconsideration the decision may be confirmed varied or revoked.
3. Rule 72 provides that an Employment Judge should consider the request to reconsider, and if the judge considers there is no reasonable prospect of the decision being varied or revoked, the application shall be refused. Otherwise it is to be decided, with or without a hearing, by the Tribunal that heard it.
4. Under the 2004 rules prescribed grounds were set out, plus a generic "interests of justice" provision, which was to be construed as being of the same type as the other grounds, which were that a party did not receive notice of the hearing, or the decision was made in the absence of a party, or that new evidence had become available since the hearing provided that its existence could not have been reasonably

known of or foreseen at the time. The Employment Appeal Tribunal confirmed in [Outasight VB Ltd v Brown UKEAT/0253/14/LA](#) that the 2013 rules did not broaden the scope of the grounds for reconsideration (formerly called a review).

5. In her letter the claimant says there is new evidence, namely, a handwritten letter from Mr. A. Rajalingam of 44 Hill Road Harrow H5 1LE dated 4 September 2019 stating that between 2014 and 2019 he had lent the claimant £48,000 (though the 8 has been altered from an unreadable figure) to fund legal action in the ET, the EAT and the RCJ, which he expected to be repaid when she won. She also adds that it is in the interests of justice to reconsider the decision because it causes financial hardship.
6. There is no information why there was no evidence of the debt at the hearing on 15 August. Given the dates of the loan, it could have been available then. The evidence is impressionistic: the tribunal cannot tell what the relationship is with the lender or why he should lend her such a large sum unsecured, whether he is charging interest, when loans were made, and so on. It is possible, though unlikely, he made payments in cash, and the claimant could produce bank statements for the years in question, but has not. More concerning, there is still no evidence for other relevant assertions she made about her means: no account of why she is unable to work as a nurse, no documents about state benefits the family receives, and nothing to show that she pays rent and not a mortgage, or who owns the house. In the absence of any of this material it is hard to see that the tribunal would reach any decision other than it did, namely to make a contribution of £7,500 to the respondent's costs, which were billed at nine times that figure, even with the letter the creditor had now written.
7. The application to reconsider has no reasonable prospect of success and is dismissed under rule 72.

Employment Judge GOODMAN

Date 24/09/2019

JUDGMENT SENT TO THE PARTIES ON

25/09/2019

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FOR THE TRIBUNAL OFFICE