



EMPLOYMENT TRIBUNALS

Claimant: Mr J. Plant

Respondent: Bank of Beirut (UK) Ltd

Employment Judge Goodman
London Central

4 November 2019

JUDGMENT

The claimant's application dated 28 July 2019 for reconsideration of the judgment sent to the parties on 15 July 2019 is refused under rule 72 of the Employment Tribunals Rules of Procedure 2013.

REASONS

1. On 28 July 2019 the claimant wrote a 41 page letter asking for the judgment to be reconsidered. I regret to say this was not referred to me by the administration until 21 October. It looks from the file as if it was overlooked until an enquiry from the Employment Appeal Tribunal to the Employment Tribunal on 8 October 2019 asking for the outcome. (The reconsideration application was not on file when I saw it on 10 October because the respondent had filed its bill of costs, and I directed the administration to take no action until the claimant's deadline for filing his points in dispute).
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. The claimant made his request in time.
3. 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.

4. 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.
5. Under the 2004 rules prescribed grounds for review (now called reconsideration) 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 review).
6. I have read the claimant’s 41 page letter, and I have reread the judgment and reasons. I cannot find in the application any reason why it would be in the interests of justice to reconsider any point. Most of the letter seeks to reargue points that were made at the hearing. These are not grounds for reconsideration, though they may found an appeal. There is also an allegation of bias. This too must be a matter for the Employment Appeal Tribunal.
7. There is an argument that the tribunal did not set out or understand the pension legislation which lay in the factual background to the claimant’s dismissal. It is not shown how any misdescription of a government document as consultation rather than policy is material or requires reconsideration, as these passages were to deal with the point the claimant put to the respondent’s witnesses that the respondent had had a duty to tell him about changes to the lifetime allowance.
8. The claimant also complains that the tribunal only read the documents to which it was directed, and that he had not been asked to provide a reading list like the one the respondent had prepared. Tribunals do not have time to read every document in the often very large bundles given to them. If the claimant or another witness mentioned a document in a claim form or in a witness statement it would be read, as would any document put to a witness in cross-examination, and sometimes where there is a litigant in person a tribunal will look to see if there are documents in the bundle relevant to particular issues in the pleaded claim that are commonly found (to take a simple example, if there is a claim for breach of contract they will look for documents evidencing contractual terms even if none have been mentioned, or if there is a dismissal for gross misconduct they will look to see if the respondent has a policy on the relevant conduct) , but other than that it is for a party to draw the tribunal’s attention to documents they wish to be read and noted. The claimant does not explain why it is in the interests of justice for there to be a further hearing to consider the effect of particular documents.

9. I conclude that there is no reasonable prospect of the decision being reconsidered on the ground that it is in the interest of justice to do so. Accordingly I refuse the application for reconsideration under rule 72.

Employment Judge GOODMAN

Date : 4th Nov 2019

JUDGMENT SENT TO THE PARTIES ON

21/11/2019

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FOR THE TRIBUNAL OFFICE