EMPLOYMENT TRIBUNALS

Claimant: Mr Michael Mora

Respondent: Exeter and Devon Airport Ltd

Heard at: **Exeter** **On:** **20 November 2019**

Before: Employment Judge Housego

Representation

Claimant: Paper application
Respondent: None

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The Judgment of the Tribunal is that the Claimant's application for reconsideration is refused because there is no reasonable prospect of the decision being varied or revoked.

REASONS

1. The claimant has applied for a reconsideration of the reserved judgment dated 20 September which was sent to the parties on 10 December 2019 ("the Judgment"). The grounds are set out in the claimant's wife's email dated 14 October 2019.

2. Schedule 1 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 contains the Employment Tribunal Rules of Procedure 2013 ("the Rules"). Under Rule 71 an application for reconsideration under Rule 70 must be made within 14 days of the date on which the decision (or, if later, the written reasons) were sent to the parties. The application was received within the relevant time limit.

3. The grounds for reconsideration are only those set out in Rule 70, namely that it is necessary in the interests of justice to do so.

4. The grounds relied upon by the claimant are set out at length in the 4 page email of 14 October 2019. In essence it is asserted that the respondent, though various staff members colluding together, tampered

with the evidence on which the decision was based, and in so doing perverted the course of justice. They are also said to have failed to act reasonably in the use of medical reports. A large number of documents were referred to in the email in support of the application.

5. The matters raised by the claimant were considered in the light of all of the evidence presented to the tribunal before it reached its unanimous decision. The Employment Appeal Tribunal ("the EAT") in Trimble v Supertravel Ltd [1982] ICR 440 decided that if a matter has been ventilated and argued then any error of law falls to be corrected on appeal and not by review. In addition, in Fforde v Black EAT 68/60 the EAT decided that the interests of justice ground of review does not mean *"that in every case where a litigant is unsuccessful he is automatically entitled to have the tribunal review it. Every unsuccessful litigant thinks that the interests of justice require a review. This ground of review only applies in the even more exceptional case where something has gone radically wrong with the procedure involving a denial of natural justice or something of that order".* This is not the case here. In addition it is in the public interest that there should be finality in litigation, and the interests of justice apply to both sides.

6. The application first alleges tampering with evidence, for which no basis is provided, and secondly disagrees with the decision, and is an attempt to reargue the case. These are not reasons to reconsider this judgment.

7. Accordingly I refuse the application for reconsideration pursuant to Rule 72(1) because there is no reasonable prospect of the Judgment being varied or revoked.

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Employment Judge Housego

Dated: 20 November 2019
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