



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Herry

**Respondent:** Dudley Metropolitan Borough Council

## JUDGMENT

The claimant's application dated 29<sup>th</sup> October 2019 for reconsideration of the judgment sent to the parties on 11<sup>th</sup> October 2019 is refused.

## REASONS

Employment Judge Dean has given initial consideration to the application for the Tribunal to reconsider the reserved judgment on the remitted costs application that was sent to the parties on 11<sup>th</sup> October 2019 the application for reconsideration was sent to the Tribunal by email on 29<sup>th</sup> October 2019.

The claimant requests a reconsideration of the judgment on the basis that it is necessary in the interests of justice to do so. In particular the claimant suggests that there was no reference made to the additional evidence sent in accompanying the claimant's emails of 2<sup>nd</sup> and 12<sup>th</sup> July 2019 after the submissions in the case were concluded on 17<sup>th</sup> & 18<sup>th</sup> June and the Tribunal panel deliberated on 31<sup>st</sup> July and again on 11<sup>th</sup> October when the claimant's emails of 2<sup>nd</sup> and 12<sup>th</sup> June were considered.

Employment Judge Dean has given initial consideration to the application in accordance with Rule 72 and considers that there is no reasonable prospect of the original decision being varied or revoked and the application is refused for the following reasons.

The claimant had submitted the relevant emails and their attachments after conclusion of the submissions at the hearing in June. The reasons for the costs decision took into account the evidence and submissions at the hearing 17<sup>th</sup> & 18<sup>th</sup> June and the additional information sent to the tribunal after close of

submissions.

The respondent was given an opportunity to respond to the additional submissions and the reserved judgement and reasons details the evidence considered and the submission made by both parties. The claimant expresses concern that the written judgment and reasons make “no reference to the additional evidence sent”. The claimant is mistaken and to assist the claimant is referred to the specific references to the emails and their contents contained in the reasons at paragraphs 9, 10,11,12 and 13.

The tribunal has extended the opportunity to the claimant to add to his submissions at the hearing in June and all of his submissions and the documents to which he referred were considered by the tribunal in a manner that was consistent with the overriding objective.

Having regard to the overriding objective and in exercise of her initial consideration under Rule 72 the claimant’s application for reconsideration is considered to be without merit. The claimant is aware the interests of justice require finality between the parties subject to any appeal and the reconsideration provisions do not entitle a disaffected party to reopen issues which have already been determined. There is nothing in the arguments advanced by the claimant in his reconsideration request of 29<sup>th</sup> October 2019 which could lead the tribunal to vary or revoke its decision.

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Employment Judge Dean

Date: 11<sup>th</sup> December 2019

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE