



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE K ANDREWS

BETWEEN:

Ms J Simpson

Claimant

and

Air Business Limited

Respondent

JUDGMENT

The claimant's application for a reconsideration of the Judgment sent to the parties on 15 October 2019 is refused as there is no reasonable prospect of the original decision being varied or revoked, save for one matter as set out below in respect of which a decision has not yet been made.

Directions appear below for the provision of comments on that one matter by both parties. Upon receipt of any comments, I will again consider that matter.

REASONS

1. In this matter, at which the claimant was represented by very competent Counsel, the Tribunal found that the claimant was unfairly dismissed but that a contributory fault deduction of 60% would apply to any compensation awarded. The claim of victimisation was unsuccessful. Detailed written reasons were sent to the parties on 15 October 2019. The claimant has submitted a request for a reconsideration (although it is not apparent from that request exactly which parts of the Judgment it is submitted should be reconsidered).
2. The vast majority of the claimant's application refers to matters that were the subject of detailed examination at the Hearing and the Tribunal's consideration and conclusions in respect of them, was set out in the written reasons. She also refers to an issue (paragraph 39) that was expressly dismissed at an earlier preliminary hearing as it was out of time. The claimant seems to be saying that notwithstanding that our Tribunal should have considered it. That cannot be right

and it was not a matter raised by the claimant at our Hearing. With the exception of matters referred to below, no new evidence is referred to in the application nor any other matters that warrant comment. There is no compelling reason stated in the application as to any clear and obvious error made by the Tribunal, other than that the claimant disagrees with our conclusions.

3. The matters that do warrant comment are as follows.
4. At paragraph 3 of her application the claimant refers to notes of Ms Satterthwaite which it seems have been disclosed to her after the conclusion of the Hearing. She states that these notes clearly show a belief by Ms Satterthwaite and Mr Ions that papers would not be disclosed as they could prejudice an employment tribunal and non-payment of compensation. The claimant has attached copy notes to her application in which there is a reference to prejudicing a potential tribunal. The **respondent's comments** in respect of those notes and the matters raised at paragraph 3 of the claimant's application and whether any reconsideration that may be ordered on that issue should be dealt with on paper or at a hearing, are requested within **14 days** of the date of this Order. The **claimant** shall then reply if she wishes to the respondent's comments within **14 days thereafter**, again with any comments as to the desirability of a hearing in those circumstances.
5. At paragraphs 26 and 32 the claimant has alleged that she made protected disclosures (as opposed to protected acts). This was not a matter previously raised by the claimant in the proceedings at any stage - notwithstanding two preliminary hearings. It is too late after Judgment has been given to raise such matters unless there are very compelling reasons as to why they could not be raised earlier. There are no such compelling reasons in this case.
6. At paragraphs 42, 44 and 49 of her application the claimant makes submissions in respect of remedy. If she wishes to pursue those matters they should be raised at the remedy hearing which is currently awaiting listing.

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Employment Judge Andrews
13 November 2019