



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr Clive Johnson

v

Whitbread Group plc

Heard at: Watford

On: 23 December 2019

Before: Employment Judge Bedeau

Written representations

For the Claimant: Written representations

For the Respondent: Mr M Foster, Associate, written representations

RECONSIDERATION JUDGMENT

Under Rule 71 of the Employment Tribunals Rules of Procedure

The application by the claimant for a reconsideration of the judgment sent to the parties on 18 November 2019, is refused.

REASONS

1. On 28 November 2019, the claimant applied for a reconsideration of the judgment on liability sent to the parties on 18 November 2019. In an 8 pages document he set out the grounds of his application. This was later supported by another document sent to the tribunal on 29 November 2019, in which he repeats his concerns that the judgment be reconsidered in the interests of justice.
2. Numerous references have been made to the tribunal's findings of fact and conclusions. He challenges the findings in respect of Ms Doris Rossman-Begg, his comparator in his direct age and sex discrimination claim; the evidence given by Ms Debbie Tozer, his line manager; the reasons given by the respondent for putting him on a performance improvement plan; and the

anonymous feedback given. In addition, he claims that he did not fully understand the need to provide a full and comprehensive witness statement. He invites the tribunal to accept his account of events and either vary or revoke the judgment in the interests of justice.

3. He copied his application to the respondent's representatives who responded on 29 November 2019, stating, in summary, that he is making challenges to the tribunal's findings of fact and that he either knew or ought to have known what was required of him in preparing a witness statement. At the preliminary hearing held on 8 November 2018, it is recorded that evidence would be given by "typed witness statements". It was up to him to apprise himself of the Tribunal process and that ignorance of the law is no excuse. He is an intelligent man.
4. I considered my powers under rule 71(2) Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, as amended.
5. Rule 72(1) provides for a preliminary consideration of an application for reconsideration without the need to hold a hearing. The application is to be rejected if it is considered that there is no reasonable prospect of the judgment being either varied or revoked.
6. This case was listed for three days starting on 29 July 2019. The procedure was explained to the claimant by me and he was informed that if he wished to ask a question about it or about the law he could do so at any time. He gave evidence on 30 July for half a day. The following morning, he told the tribunal that he had reviewed the evidence overnight and there was nothing he wanted to add.
7. I have come to the conclusion that the claimant has sought to challenge the tribunal's findings of fact and conclusions. I am also satisfied that he gave the tribunal a clear account of events, his concerns and how he put his claims against the respondent.
8. The tribunal made proper findings of fact consistent with the evidence and applied the relevant law those findings in the conclusion. Having considered the application, I am satisfied that there is no reasonable prospect of the judgment either being varied or revoked. Consequently, the claimant's application is refused.

Employment Judge Bedeau

Date:23/12/2019.....

Sent to the parties on:

.....24/12/2019.....

For the Tribunal Office