



EMPLOYMENT TRIBUNALS

Claimant X

Respondent **Revive Dental Care Limited**

JUDGMENT ON RECONSIDERATION

In exercise of the power conferred upon me by Rule 72(1) of the Rules of Procedure set out in Schedule 1 to The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 I refuse the application for a reconsideration by the claimant contained in her emails dated 6 and 7 June 2018 because the application has no reasonable prospect of success.

REASONS

1. The claimant had full opportunity to pursue her application for reconsideration at the hearing on 21 May 2018, when she made it clear that the only request was to amend the Judgment on Remedy to allocate part of the amount awarded to an award for compensation for personal injury. She did not at the hearing seek an increase in the total amount of the award.
2. The claimant had full opportunity to pursue her full written application for reconsideration at the hearing on 21 May 2018 but chose not to do so.
3. The claimant now seeks to pursue her application on a different basis.
4. During the reconsideration hearing the claimant made no reference to paragraph 30 of the Remedy Judgment, did not seek to challenge it, did not assert that the new medical evidence related to that point.
5. The claimant has failed to identify what she describes as new medical evidence which she now asserts is relevant to the finding at paragraph 30 of the Remedy judgment.
6. The claimant asserts that she has found further diary evidence to support her claim that the delay in the grievance process and the court conduct of the respondents was one if not the causation of her breakdown in February 2016. The claimant has not:
 - 6.1. provided copies of the diary evidence;
 - 6.2. provided an explanation as to why this evidence was not disclosed prior to the Remedy hearing or the Reconsideration hearing;
 - 6.3. provided any satisfactory medical evidence to support her claim.

7. The claimant seeks to rely on her own diary entries of treatment she has received. That is not satisfactory evidence to establish a causal link between the discriminatory act and the injury to health. It is merely the claimant's personal record of the injury and the treatment she received at the time.
8. The claimant has been advised throughout that she is required to adduce satisfactory medical evidence to support her assertion that the discriminatory act caused the injury to health. She has continuously failed to do so. She persists in seeking to adduce copies of correspondence she has received from medical professionals, and other medical records, about her condition and treatment. She has not provided any report from any medical expert setting out that expert's evidence as to the causal link between the discriminatory act and her injury to health. During the course of preparing for the remedy hearing the claimant had the benefit of legal advice
9. I cannot find that the interests of justice require such a reconsideration.
10. There must be finality in litigation.

Employment Judge Porter

Date: 18 June 2018

JUDGMENT SENT TO THE PARTIES ON

6 July 2018

FOR THE TRIBUNAL OFFICE