



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr K Patel

**Respondent:** Asda Stores Ltd

## JUDGMENT

The claimant's application dated 5 August 2019 for reconsideration of the judgment made at the hearing on 4 June 2019 and sent to the parties on 29 July 2019 is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. The claimant made an application for reconsideration in terms on 5 August 2019 in time. Pursuant to rule 71 of the Employment Tribunal Rules of Procedure 2013, it was received by the Tribunal within 14 days of the date on which the judgment was sent to the parties being 29 July 2018. Further, the Claimant had written to the Tribunal on 5 June 2018 before the written reasons were provided. Although he did not request a reconsideration in terms in the first letter, the Tribunal accepts that he was expressing his dissatisfaction with the judgment.
2. Accordingly, the Tribunal has considered the Claimant's 5 August 2019 application for a reconsideration.
3. The Tribunal has determined that, pursuant to rule 72(1), there is no reasonable prospect of the original decision being revoked and therefore the application should be refused.
4. The Tribunal has no jurisdiction under the Health and Safety at Work Act 1974 and no such claim was before the Tribunal.
5. There was no claim for unfair dismissal for assertion of a statutory right or in respect of Sunday working before the tribunal.

6. There was no claim for discrimination because of religion or belief before the Tribunal.
7. The other grounds for reconsideration are a request to re-litigate findings of fact and of law determined by the Tribunal. The Tribunal made findings as to the reason for dismissal, the Claimant's conduct on the day of the incident, whether the Claimant was provided with statements prior to the dismissal hearing, and how he presented his appeal.
8. The Tribunal made findings as to the lawfulness of the respondent's procedure and the reasonableness of the decision to dismiss.
9. The Claimant has not provided any grounds to suggest that it is in the interests of justice to revoke these findings.

Employment Judge Nash  
Date: 25 August 2019