



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr O Petrov  
**Respondent:** Amazon UK Services Limited  
**Heard at:** Leicester  
**On:** 11 March 2020  
**Before:** Employment Judge Ahmed (sitting alone)

## JUDGMENT ON AN APPLICATION FOR A RECONSIDERATION

The Claimant's application for a reconsideration of the original judgment of 7 November 2019 (sent to the parties on 8 January 2020) is refused as there is no reasonable prospect of the original decision being varied or revoked.

## REASONS

1. This decision deals with an application for a reconsideration of a judgment following an attended preliminary hearing on 7 November 2019. The application has been dealt with on paper pursuant to Rule 72(1) of the Employment Tribunal Rules of Procedure 2013, as amended.
2. The purpose of the preliminary hearing (from which the Claimant seeks a reconsideration) was to determine whether the Claimant was at the material times a disabled person within the meaning of section 6 of the Equality Act 2010. The tribunal found that the Claimant was not a disabled person and his claims of disability discrimination were therefore dismissed.
3. The judgment of the tribunal at the preliminary hearing (with reasons) was sent to the parties on 8 January 2020.
4. On 24 January 2020 the Claimant made an application for a reconsideration. The application was by letter with a number of documents attached some of which had not been included in the bundle for the preliminary hearing. I do not consider that any of those documents materially affect the decision and I shall not therefore refer to them.
5. The relevant rules as to reconsideration are 70, 71 and 72 of the Employment Tribunal Rules of Procedure 2013.

6. Rule 70 states:

“A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision (“the original decision”) may be confirmed, varied or revoked. If it is revoked it may be taken again.”

7. Rule 71 states:

“Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.”

8. Rule 72(1) states:

“An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge’s provisional views on the application.”

9. The Claimant’s application for a reconsideration is on various grounds as contained in his letter of 24 January 2020. I set out below, in brief terms, the grounds, insofar as they can be ascertained, and the reasons why there is no reasonable prospect of the original decision being revoked or varied

9.1 That there were discrepancies in the reasons – these ‘discrepancies’ are not identified;

9.2 That there was a ‘mismatch of the facts’ – no details of the alleged mismatch are set out. In any event this appears to be a potential ground of appeal rather than reconsideration;

9.3 That the claimant has evidence that he was asked to lift bags in excess of the weight recommended by occupational health specialists. This is a matter that would go to the merits of the case rather than the disability issue;

9.4 That the Claimant has never met Dr Dhariwal (whose report is mentioned in the reasons). Whether or not the Claimant met Dr Dhariwal is irrelevant. Dr Dhariwal produced a report when the Claimant was referred to the Nuffield Hospital in Leicester which was taken into consideration in arriving at the original decision.

9.5 The report of Dr Spencer was not adequately taken into account. This is dealt with at paragraph 7 of the reasons insofar as it was relevant.

9.6 The physiotherapy sessions were extended for various reasons. It is unclear what point the Claimant is making in relation to this.

10. The remaining matters in the reconsideration application are either unclear, are challenges to the decision on the merits or are irrelevant to the issue of disability.

11. For the reasons given the application for a reconsideration is refused as there is no reasonable prospect of the original decision being varied or revoked.

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Employment Judge Ahmed

Date: 11 March 2020

REASONS SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE