



EMPLOYMENT TRIBUNALS

Claimant: Mr S Goldpresi

Respondent: Network Rail

JUDGMENT

The claimant's application 20 February 2020 for reconsideration of the judgment sent to the parties on 17 October 2019 is refused.

REASONS

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

1. The claimant has made his application more than 14 days following the date when the written decision was sent to the parties and has not provided any reasonable explanation as to why an extension of time should be granted so as to allow the application to be accepted.
2. However, even if I had accepted the application for reconsideration as being in time or granted an extension of time, I would have refused the application for reconsideration as there is no reasonable prospect of the original decision being varied or revoked for the reasons given below.
3. The claimant failed to attend the preliminary hearing on 26 September 2019, did not warn the Tribunal that he would not be able to attend in advance of the hearing. The information and medical evidence which he has provided since the judgment was made has not demonstrated that he was not able to attend the preliminary hearing and it was therefore proper and reasonable for the hearing to take place in his absence.
4. The decision to reject the claims against the second and third Respondents was entirely reasonable in that the ET1 claim form presented under case number: 3303631/2018 on 29 January 2018 failed to contain correct Early

Case No:

3303631/2018 Conciliation Certificate numbers contrary to Rule 12(1)(c) and Rule 12(2) of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013. The Early Conciliation Certificates which the claimant had since provided to the respondent were dated 8 October 2018 and postdated the date when the claim was presented to the Tribunal.

- 5. It was entirely reasonable to strike out the claimant’s complaint of Race Discrimination and Unfair Dismissal contrary to Section 103A of the Employment Rights Act 1996. This was because the claimant failed to comply with an unless order made by Employment Judge Bloom dated 21 September 2018 which required him to provide additional information in relation to these claims by 19 October 2018. Not only did he fail to provide this information until after this date on 23 October 2018, it was not sufficient to comply with the order that Employment Judge Bloom had made.
- 6. The claimant’s application dated 20 February 2020 has failed to demonstrate why these decisions were wrong and accordingly, even if I accepted the application for reconsideration, there is no reasonable prospect of my decision being varied or revoked.
- 7. In relation to paragraphs 19 and 20 of my order dated 26 September 2019 relating to the claims of Breach of Contract, Wages Act and Working Time Regulations annual leave, a ‘Strike Out’ warning letter was sent to the claimant, on the basis that he does not appear to be actively pursuing these claims. The claimant had been asked to provide details in support of these claims on 26 September 2019, 24 December 2019 and 13 February 2020. However, he has failed to provide any, or any sufficient details. Taking into account my previous orders made on 26 September 2019 and 13 February 2020, the overriding objective and my general case management powers, it is entirely reasonable to strike out these remaining claims. As a consequence, a separate judgment striking out these claims will be sent to the parties shortly and thereby concluding all of the remaining claims in these proceedings.

Employment Judge Johnson

Date: 4 May 2020

JUDGMENT SENT TO THE PARTIES ON

05 May 2020

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FOR THE TRIBUNAL OFFICE

11.6C Judgment – Reconsideration refused – claimant - rule 72