



EMPLOYMENT TRIBUNALS

Claimant: Mr A Weatherby

Respondent: Amcrol Limited

Dated: 5th March 2020

Before: Employment Judge R F Powell

RECONSIDERATION

I reject the respondent's application for reconsideration under Rule 70(1) of the Tribunal's Rules of Procedure 2013: there is no reasonable prospect of the tribunal's original judgment being varied or revoked.

REASONS

Introduction

1. Following a hearing on 6th to 11th February 2020, the tribunal delivered an oral judgment upholding the claimant's claims.
2. The tribunal sent the written Judgment to the parties on 14th February 2020. Reasons were subsequently requested and will be provided.
3. On 1st March 2020, the respondent wrote to the tribunal to apply for a reconsideration of the judgment. Its application was largely an assertion that the claimant had lied in his evidence and that the rejection of aspects of the respondent's evidence was erroneous. It closely reflected the detail of the respondent's closing submissions before the tribunal at the Hearing. Those closing submissions had addressed in detail the relative reliability of the evidence of the claimant, Mr. Ian Bellis and the respondent's supporting witnesses.

The relevant rules on reconsideration

4. Applications for reconsideration are governed by Rules 70 to 73 of the Tribunal's Rules of Procedure 2013.
5. Rule 70 provides that a tribunal may, either on its own initiative or on the application of a party, reconsider any judgment where it is "necessary in the interests of justice to do so". Following a reconsideration, a judgment may be confirmed, varied or revoked (and, if revoked, it may be taken again).
6. Rule 72 describes the process by which an application for reconsideration should be determined. The application should, where practicable, first be considered by the Employment Judge who made the original decision or who chaired the full tribunal that made the original decision. Rule 72(1) requires that judge to refuse the application if he or she "considers that there is no reasonable prospect of the original decision being varied or revoked". If the judge considers that there is a reasonable prospect of the original decision being varied or revoked, the Rules go on to provide for the application to be determined with or without a further oral hearing.
7. This document sets out my initial consideration of the claimant's application under Rule 70(1).

The claimant's application

8. The principal difficulty the respondent faces is that the entirety of its argument on the tribunal's assessment of the witness evidence amounts to an attempt to re-argue points on the reliability of the witnesses' evidence which it raised in some detail before the tribunal. Those submissions were considered by the tribunal and on a number of disputes the claimant was found to be the more reliable witness.
9. The additional elements of the argument refer to disability and the provision of a reference; matters which were not within the tribunal's jurisdiction in this case and about which the tribunal made no judgment.
10. Bearing in mind the strong public interest in the finality of litigation and the need to do justice to both parties, I consider that it would not be in the interests of justice to give the respondent a second opportunity to address points it has previously articulated in its closing submissions.

Employment Judge R F Powell
Dated: 5th March 2020

RECONSIDERATION DECISION SENT TO PARTIES ON
.....6 March 2020.....

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS