



# THE EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Craggs

**Respondent:** BMS Electrical Services Limited

**Heard at:** Newcastle Hearing Centre      **On:** Monday 2<sup>nd</sup> March 2020

**Before:** Employment Judge Martin

**Members:** Mr S Moules

***Representation:***

**Claimant:** Mr Henshaw (Solicitor)

**Respondent:** Mr G Ridgeway (Consultant)

## JUDGMENT ON APPLICATION FOR RECONSIDERATION

The respondent's application for reconsideration of the Remedies Judgment given orally at the hearing on 13<sup>th</sup> January is dismissed. The Amended Remedies Judgement dated 27 January 2020 is hereby confirmed.

## REASONS

1. On 7<sup>th</sup> February 2020 the respondent made an application for reconsideration of the Remedies Judgement given orally at the hearing on 13<sup>th</sup> January and sent to the parties by way of an amended judgment on 27<sup>th</sup> January 2020. The claimant's representative sent a response to that application on 25<sup>th</sup> February objecting to the application for reconsideration.
2. The Tribunal has considered Rules 70 to 72 of the Employment Tribunals Constitution and Rules of Procedure Regulations 2013; the oral submissions and the written submissions of both parties. The Tribunal had considered dealing with this application without a hearing, but since an application for costs was

fixed to be heard today, it was in the interests of justice for the application to be heard by the Tribunal which determined the original remedies hearing.

3. This Tribunal considers that the respondent is simply requesting it to reconsider evidence which was already heard by the Tribunal and upon which the Tribunal has already made findings of fact. It is merely an attempt to relitigate a matter which has already been decided by this Tribunal.
4. We also consider that the request for reconsideration appears to be made on the wrong basis in that the award for aggravated damages was not made on the basis of the behaviour of the respondent in relation to their handling of the grievance.
5. The Tribunal has taken into account the interests of justice. It also has to take into account the interests of both parties. It is in the interests of justice and the public interest that, where possible, matters be finalised in any litigation and evidence should not be reconsidered (as is the basis of this application) where findings of fact have already been made and determined.
6. For those reasons this application is dismissed.

---

**EMPLOYMENT JUDGE MARTIN**

**JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON 24 March 2020**

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.