



EMPLOYMENT TRIBUNALS

Claimant: Mr S Fleming

Respondent: Acomb Construction Ltd

JUDGMENT ON APPLICATION FOR RECONSIDERATION

1. The Claimant's application dated 03 March 2020 for a reconsideration of the Tribunal's judgment handed down on 11 February 2020 dismissing the Claimant's claim of unfair dismissal, is refused on the grounds that it has no reasonable prospect of success.

REASONS

2. By letter dated 03 March 2020, the Claimant wrote to the Tribunal asking for a reconsideration of the judgment given on 11 February 2020 dismissing his claim of unfair constructive dismissal. The Claimant sent a further email on 10 March 2020.
3. The letter of 03 March makes a number of factual points, most of which were raised during the hearing under the following heads:
 - 3.1. Breach of Trust in the workplace,
 - 3.2. Being bullied and discriminated;
 - 3.3. Raising of his grievance (not being accepted);
 - 3.4. Health and safety in the workplace;
 - 3.5. NVQ in groundwork and CSCS card.
4. In the email of 10 March 2020, the Claimant set out the three grounds on which he was making his application for a reconsideration:
 - 4.1. Evidence given on his NVQ certificate and CSC card was not taken into account;
 - 4.2. Mr Phillips was aggressive towards him and bullied him;
 - 4.3. On the day of the hearing the Claimant was very nervous and did not get all his points across.
5. I have read carefully the points which Mr Fleming makes in his application. However, I am satisfied that all the relevant points were fully aired at the hearing of his claim.

While I recognise that he may well have been nervous at the hearing, I took care to ensure that Mr Fleming was able to and did put his case to the tribunal. Mr Fleming asked the witnesses a number of pertinent questions and I was in no doubt what his claim was about and what his points were.

6. What Mr Fleming refers to as evidence given on his NVQ certificate and CSC card is unclear. He did not say much about this other than that his concerns regarding these relate to the period after his resignation: - that he has asked for them but has not been provided with them. Whatever difficulties have arisen regarding these, they were not factors in his decision to terminate his employment.
7. The allegation of aggressive or bullying behavior by Mr Phillips was explored in evidence. It was not my conclusion that the comment which Mr Phillips made was 'construction site banter'. Mr Phillips described it as banter and I questioned him on it. I made findings of fact in relation to this event.
8. In all the circumstances, I am not satisfied that it is in the interests of justice for there to be a reconsideration of the original decision. The application is refused.

Employment Judge Sweeney

4 April 2020