



EMPLOYMENT TRIBUNALS

Claimant: Mr H Noon

Respondent: Kavanagh Motor Group Ltd

Before: Employment Judge Cheetham QC

JUDGMENT FOLLOWING APPLICATION FOR RECONSIDERATION

1. The application for reconsideration is refused.

REASONS

1. At a hearing on 26 November 2019, I gave judgment that the Claimant had been unfairly dismissed, but that there was a 25% chance that, had a fair procedure been followed, he would have been fairly dismissed. I ordered the Respondent to pay the Claimant the sum of £2,946.62. That was therefore the net sum after the gross amount of compensation (£3,928.82) was reduced by 25%. Reasons were given at the hearing and there was no request from either party for written reasons. The Judgment was promulgated on 4 December 2019.
2. On 4 March 2020, the Claimant emailed the Tribunal as follows:

To whom it may concern, Re telephone to your office today I have concerns regarding your email the amount awarded is different to what the judge said at the hearing. The figure I was expecting is in brackets on your email not the bold figure.

3. The reference to “the bold figure” was to £2,946.62, which was in bold in the Judgment. Unfortunately this email was not forwarded to me at the time and I only saw it for the first time on 11 June. I apologise to the Claimant for the delay in responding to his email.
4. I am treating the email as an application for reconsideration of the judgment. Although it was sent a considerable time after the 14 day deadline, the Tribunal has also been guilty of delays, so it seems reasonable for me to extend time for that application.
5. At the hearing, I heard all the evidence and reached my judgment. That judgment was in the Claimant’s favour, in that I found his dismissal to have been unfair. However, the conclusion that there was a 25% chance that he would have been dismissed fairly, had a fair procedure been followed, was consistent with the evidence that I heard, although it was a lower percentage than the Respondent was seeking.
6. In the circumstances, I see no reasonable prospect of varying the Judgment and the application for reconsideration is refused.

Employment Judge Cheetham QC

Date 15 June 2020