



EMPLOYMENT TRIBUNALS

Claimant: Mr M Scovell

Respondent: Mr G Untulis

Before: Employment Judge Midgley (in Chambers) **Date:** 1 September 2020

RECONSIDERATION JUDGMENT

Employment Tribunal Rules of Procedure 2013

1. The claimant's application by email dated 26 June 2020 for reconsideration of the Judgment of 22 January 2020 is dismissed on the grounds that it is not necessary in the interests of justice to permit reconsideration.

REASONS

1. The interests of justice require the Tribunal to act in accordance with the Overriding Objective to deal with cases justly. The requirement to deal with cases justly requires the application of recognised principles including the finality of litigation, which is in the interests of both parties, dealing with cases in a way which is proportionate to their complexity and importance of the issues and avoiding delay and saving expense.
2. The Tribunal has a broad discretion when determining whether it would be necessary in the interests of justice to permit an application for reconsideration, but that discretion must be exercised judicially which requires the Tribunal to have regard both to the interests of the applicant and to the respondent to the application (see Outasight VB Limited v Brown [2015] ICR 11).
3. The claimant seeks reconsideration of the Judgment dismissing his claim following his non-attendance at the hearing on 22 June 2020. The respondent objected to that application in an email dated 14 August 2020.
4. The grounds of the claimant's application for reconsideration appear to be that he was unable to attend because of difficulties in his relationship with his partner. He has

produced an Occupation Order made by District Judge Brown dated 17 July 2020 to support that application. The Occupation Order may be regarded as evidence of the breakdown of the claimant's relationship with his partner, but it does not directly evidence why the claimant did not attend the hearings on 6 May 2020 (which resulted in an unless order being made, his non-compliance with the unless order, or his failure to attend the hearing on 22 June 2020 in the circumstances described in the judgment of that date.

5. Consequently, it is not necessary in the interests of justice to reconsider the Judgment because the claimant has not identified any ground or evidence upon which it could be concluded that there is any reasonable prospect of the judgment being varied or revoked. I do not consider that it is necessary in the interests of justice for the application to be determined at a hearing for those reasons.

Employment Judge Midgley

Date : 1 September 2020

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