



EMPLOYMENT TRIBUNALS

Claimant: Mr R Richardson
Respondent: Extreme Roofing Limited

JUDGMENT

The claimant's applications dated 8th and 24th August 2020 for reconsideration of the judgment sent to the parties on 21 August 2020 are refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked for the reasons set out below.

The claimant's grounds for reconsideration

1 The claimant has set out 75, and then a further 20, paragraphs of complaint. They fall into 4 categories which I summarise below:

- a. Complaints about witness orders and directions made by the tribunal
- b. Dissatisfaction with findings of fact made
- c. Allegations of bias
- d. Finding that he is an employee

Consideration of the claimant's points

The claimant's first category

2 The claimant raises complaints that the tribunal did not issue all the witness orders he requested, did not follow these up and did not strike the respondent out for late delivery of documents.

3 These are case management matters and were not the subject of a review request or appeal at the time. That was the appropriate way to address these issues.

4 As to witness orders specifically, on the facts of this case, the finding that the claimant was or was not an employee could only be determined by the evidence of the respondent on its hiring and work practices and the claimant on the way in which the engagement was carried out in practice. The claimant gave evidence he had applied for and been given self-employment status. The evidence of others for whom witness orders were not made would have no prospect of varying the decision.

The claimant's second category

5 The claimant considers that the finding of fact made about Mrs Macdonald's evidence of the conversation between the claimant and Mr Macdonald is incorrect. His position was considered at the time and in this application he is repeating what he told the court during the hearing. We set out in the judgment why we accepted her account and the claimant has not provided any new information.

6 The claimant states that he did challenge the evidence of Mr Slater and so the decision to accept his evidence as unchallenged is incorrect. We have no note of any such challenge being raised during the hearing.

7 The claimant rehearses his evidence on the 1 days work he did near his own property. No new evidence is raised.

The claimant's third category

8 A number of complaints are raised about bias. These include a conspiracy between ACAS and the respondent, judicial bias in not granting the case management orders the claimant requested and Judge Burgher, who dealt with the preliminary hearing, not being assigned to the full hearing.

9 The first point was raised by the claimant at the hearing and has already been considered. Not granting case management orders is addressed above. The allocation of judicial resources to hearings is a matter of administration and is not a ground for review of this decision.

The claimant's fourth category

10 The claimant maintains he is an employee. This issue was carefully considered by the tribunal and its reasons for finding the contrary are set out. This includes the claimant telling us that he was self employed and had applied for and been granted that status under the construction industry scheme. No new matters have been presented.

Conclusion

11 For all these reasons there is therefore no reasonable prospect of the application for reconsideration succeeding on any of these grounds

Employment Judge McLaren
Date: 10 September 2020