



EMPLOYMENT TRIBUNALS

Claimant: Mr J Pritchard

Respondent: Cognitive Publishing Limited

JUDGMENT

The claimant's application dated 8 September 2020 for reconsideration of the judgment sent to the parties on 11 September 2020 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. The application to reconsider provides no meritorious reasons for the Judgment to be reconsidered. In the interests of justice there should, as far as possible be finality of litigation.
2. The issues raised at 1, 4, 5, 6 and 7 were all issues upon which the claimant gave evidence and made submissions at the hearing. The decision was reached in the light of that evidence and submissions. There is no genuine basis provided for those elements of the Judgment to be reconsidered, save that the claimant does not agree with the outcome. Issue 5 was addressed directly with the claimant who confirmed that he was seeking a declaration only, which is what the Tribunal has made in its Judgment. Issue 7 is not an issue the Tribunal has any jurisdiction to consider.
3. The application to reconsider raises the claimant's request for punitive damages. The claimant's claims were considered as claims for: unlawful deductions from wages; breach of contract; failure to provide a statement of terms and conditions; breach of the right to an itemised pay statement; and/or under the Working Time Regulations 1998 for failure to pay in lieu of annual leave outstanding on termination. The Tribunal has no power to make an award for punitive damages as sought, and cannot make an award for injury to

feelings in respect of any of the claims brought. There is therefore no reasonable prospect of such a claim succeeding. The claimant was also given the opportunity to make submissions at the hearing about what he was seeking to recover. The claimant addressed what he was claiming in his submissions. He did not make any submissions in respect of a claim for punitive damages, nor did he explain why such an award should be made. The Tribunal reached its decision by assessing each of the numbered claims which the claimant addressed in detail at the end of his witness statement, following the numbering used by the claimant. Accordingly, the claimant did not at the hearing make any submissions regarding this claim and accordingly the Tribunal did not reach any determination because the claimant did not advance this claim at the hearing (albeit as confirmed, there was no legal basis for any such award to be made in any event).

4. The application to reconsider the position in respect of the claim for notice pay is also not an application which has any prospect of success, because this was not a claim which the claimant made. Neither of the claim forms entered by the claimant contained any reference to, or complaint regarding, the failure to pay notice. The box which enables a claim for notice pay to be indicated was not ticked on either form. No application to amend the claim to include a claim for notice was made. The claimant was given the opportunity to give evidence to the Tribunal at the hearing and was able to make submissions. The claimant did not give any evidence or make any submissions in respect of such a claim. The Tribunal reached its decision by assessing each of the numbered claims which the claimant addressed in detail at the end of his witness statement, following the numbering used by the claimant. Accordingly, the claimant did not at the hearing either give evidence in support of, nor make any submissions regarding, this issue. It was not a claim made by the claimant. Accordingly the Tribunal did not reach any determination, because it was not a claim before the Tribunal and the claimant did not advance this claim at the hearing.

Employment Judge Phil Allen

22 September 2020

JUDGMENT SENT TO THE PARTIES ON
29 September 2020

FOR THE TRIBUNAL OFFICE