



EMPLOYMENT TRIBUNALS

Claimant
Mr C Jones

v

Respondent
(1) Frelan Hardware Limited.
(2) Karen Muggleton

JUDGMENT ON RECONSIDERATION APPLICATION

The claimant's application dated 28 September 2020 for a reconsideration of the judgment sent to the parties on 18 September 2020 is refused because there is no reasonable prospect of the original decision being varied or revoked.

REASONS

1. In a Judgment sent to parties on 18 September 2020, the Employment Tribunal struck out the claim.
2. In an email to the Tribunal dated 28 September 2020, the claimant applied for a reconsideration of the Tribunal judgment. The contents of the claimant's email are not repeated here.
3. Rule 70 of the Employment Tribunal Rules of Procedure 2013 provides:
"A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ("the original decision") may be confirmed, varied or revoked. If it is revoked it may be taken again."
4. In the email seeking reconsideration, the claimant has asked that his application be read very carefully. The Tribunal has done so and also conducted its own review of its judgment of 18 September 2020, having particular regard to what is said at paragraphs 45 and 49b.
5. In relation to its review, the Tribunal did not find material which caused it to reconsider its decision.
6. At paragraph 45, the Tribunal is simply narrating the position taken by the respondent. There is no reference to Mr Michael Jones. The Tribunal makes reference to Mr Jones in paragraph 5 in a narrative description of the progress of the case but did make an "extraordinary characterisation of him".

7. At paragraph 49b, the Tribunal did use the phrase “Whilst the Tribunal will be able to easily ascertain the veracity of the Claimant’s account” it was unable to do so as there was no evidence available to support the Claimant’s account.

8. Even if the contents of paragraph 49b are excluded from consideration, the decision of the Tribunal would remain the same.

9. The Tribunal has been unable to identify any material which would permit it to accede to the claimant’s request to revoke its judgment. The Tribunal considers that there are no grounds for revisiting the judgment within the scope of its powers of reconsideration under Rule 70 of the Employment Tribunal Rules of Procedure 2013.

10. The claimant’s application for reconsideration of the Judgment sent to the parties on 18 September 2020 is refused because there is no reasonable prospect of the original decision of the Tribunal being varied or revoked.

Employment Judge Truscott QC

Date 7 October 2020