

THE EMPLOYMENT TRIBUNALS

Claimants: (1) Mr Joga Hayes (2) Mr John Turbett

Respondent: Sky Cabs Corby Limited

Before: Employment Judge M Warren

JUDGMENT ON AN APPLICATION FOR RECONSIDERATION

The Respondent's application for a reconsideration is refused on the grounds that there is no reasonable prospect of the original Judgment being varied or revoked.

REASONS

1. By a Judgment dated 19 November 2020, sent to the parties on 4 November 2020, I found that the claimants' claims of unfair dismissal succeed. Reasons were requested in time and sent to the parties on 2 December 2020 and by email dated 11 December 2020, (in time) Mr Robb, a director of the respondent company, (which had hitherto been represented) applied for a reconsideration.
2. Applications for reconsideration are made pursuant to Rules 70 to 73 of the Employment Tribunal's 2013 rules of procedure, the relevant provisions of which read as follows:

"Principles

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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 the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. ...

were sent (if later) and shall set out why reconsideration of the original decision is necessary.

Process

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(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially

3. The application does not comply with the rules as it was not copied to the claimants. As a remedy hearing is pending, (18 February 2021) I will deal with it anyway, just to make sure there is no reason for delay.

4. The application reads as follows:

From Ian Robb sky cabs Corby limited I would like to ask Judge Warren to reconsider his judgement on the following grounds; in the case of mr Hayes the judge says the reason for dismissal is given as theft? This is not the given reason for mr Hayes dismissal!

In the case of Mr Turbett the reason for dismissal is assault although the judge says mr Turbett was provoked it still does not excuse him being the aggressor in the first place. Also the judge goes on to say that the shareholders got the AGM they wanted they never requested an agm they requested a special general meeting which was eventually held and removed both parties by a considerable majority not a small number as the judge says. The judge has not given consideration to the 2006 companies act that was implemented to give control of companies back to the shareholders.

5. The application misunderstands my findings and the relevant law. My finding of fact is that the reason for the dismissal of Mr Turbett was ill feeling toward him and in respect of Mr Hayes, his association with Mr Turbett. Neither of these reasons are potentially fair reasons as defined in the Employment Rights Act 1996 at section 98. It follows that their dismissal was unfair.
6. It is not therefore in the interests of justice that the original decision be varied or revoked and there is no prospect of the application succeeding.

Dated: 27 January 2021

Employment Judge M Warren

JUDGMENT SENT TO THE PARTIES ON

28/01/2021 J Moossavi

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FOR THE TRIBUNAL OFFICE