



EMPLOYMENT TRIBUNALS

Claimant: Miss I Druitsoula

Respondent: Outburst Ltd

RECONSIDERATION DECISION

1. In a judgment resulting from a preliminary hearing on 7 December 2020 I determined that: (1) The claimant's complaints of unfair dismissal and/or wrongful dismissal were not presented to the Tribunal within 3 months of the effective date of termination of employment in circumstances where it was reasonably practicable to have presented the complaints in time or within a reasonable period of time thereafter; (2) The claimant's complaint of discrimination was not presented to the Tribunal within 3 months of the date of the act or acts to which the complaint relates and it is not otherwise just and equitable to extend the time limit; (3) The Tribunal does not otherwise have jurisdiction to consider the claimant's complaints in respect of personal injury or human rights; and (4) Accordingly, the claim is dismissed.

2. By an email dated 21 December 2020, copied to the respondent, and referred to me by HMCTS on 29 January 2021, the claimant applied to me for a reconsideration of my judgment. I am satisfied that this is application that complies with rule 71 of the Employment Tribunal Rules of Procedure 2013.

3. I have considered the application in accordance with rule 70 and rule 72. I am not satisfied that it is necessary to reconsider my judgment on the ground that to do so is necessary in the interests of justice. I consider that there is no reasonable prospect of the original decision being varied or revoked.

4. My reasons are as follows.

5. At the hearing on 7 December 2020 I considered all the material relating to the time limitation question that was presented to me in an electronic bundle of some 57 pages. That included in particular the claimant's statement dated 23 November 2020 that set out the reasons why she presented her claim to the Tribunal in April 2020, containing allegations dating from February 2013, following the termination of her employment in October 2016. Her reasons included references to her health, her personal esteem and confidence, her father's death, the effects upon her everyday functioning, her financial position, her inability to access legal advice and her incapability of seeking personal or professional assistance. Her statement was supported by her GP's statement of 23 November 2020. I also had the benefit of the

claimant's further submissions of 23 and 30 November 2020, as well as evidence from October and November 2016.

6. The claimant gave evidence at the hearing and she answered questions from me and from the respondent's counsel. The claimant also made oral submissions.

7. There is little or nothing in her present application that is new in the sense that it is evidence or argument that was not available to her at the time of the hearing or that is evidence or argument that I had not considered at that time.

8. It is important that there should be finality in litigation. That also extends to preliminary issues regarding time limitation. There is no genuinely fresh evidence. There is nothing in the material put to me now within the application that leads me to conclude that it is necessary to reconsider my judgment. To do so is not necessary in the interests of justice. I consider that there is no reasonable prospect of the original decision being varied or revoked.

9. The application is refused.

Judge Brian Doyle

DATE: 29 January 2021

SENT TO THE PARTIES ON
25 February 2021

FOR THE TRIBUNAL OFFICE