



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr A Byaje**

**v**

**Magenta Security Services Ltd**

**Heard at:** Watford

**On:** 20 February 2020

**Before:** Employment Judge Andrew Clarke QC

## **Appearances**

**For the Claimant:** In person

**For the Respondent:** Mr Cole, Counsel

## **RECONSIDERATION JUDGMENT**

1. The application to reconsider the judgment is refused. Neither of the two grounds for reconsideration have any reasonable prospect of success.

## **REASONS**

1. The claimant applies, under Rule 71 for a reconsideration of my judgment. The judgment dismissed both his claim in respect of an alleged unlawful deduction from wages and in respect of a failure to give him an appropriate itemised pay statement for the month of July 2018. He points to (1) discrepancies between the emails sent to him attaching pay statements relating to the months of June and July 2018 and (2) the fact that a different amount was paid into his bank account than that which appears on the pay statement, which he says shows that the pay statement could not have been sent to him and that he is owed £1,000.
2. I deal first with the application in respect of the amount allegedly owed to him. The history of that claim is set out in my Reasons. In short, it was unclear whether the Claimant made such a claim at all. He was given the opportunity to particularise any such claim and failed to do so. Both in advance of the hearing on 20 February 2020 and at that hearing the Claimant made clear that he advanced no monetary claim: he said that his sole claim was for the provision of his pay statement. When he failed to provide the particulars ordered, when he said that he had no such claim and when he repeated that at the hearing before me, he had available to him the emails and pay statement upon which he now relies and he knew what he

received by way of pay in August 2018. The matters he now raises in respect of this claim could (and should) have been raised, at the latest, at that hearing. It is important in the interests of the parties and in the wider interests of justice that there is finality in litigation. In the above circumstances, the matters that the Claimant now raises are simple and straightforward. There was no reason for the Claimant not to have raised them in advance of the hearing on 20 February, or at that hearing and none is suggested. On the contrary, the Claimant failed to raise them when ordered to particularise his case and expressly stated that he made no monetary claim. In those circumstances, this application has no reasonable prospect of success.

3. I now turn to the application in respect of the alleged failure to give the Claimant a pay statement. Again, all the documentary evidence that the Claimant now relies upon was before me, with the exception of the document showing the sum paid to his bank account. The arguments that he now raises could have been raised on 20 February. So far as the Claimant's contention that the emails relating to the June and July pay statements are different is concerned, this was touched upon at the hearing, although the Claimant did not point out all the differences. That they were different was not in dispute. One (for the June pay statement) came from the Respondent's accountant. The other (relating to July) came from the Respondent itself, which had extracted the text from the bulk payroll material sent to it by its accountants and provided it to the Claimant when he complained that he had not received the email as originally sent. It appears to me that this is likely to explain the differences the Claimant now points to. As regards the difference in the sum paid into his account and that on the pay statement, as explained above the Claimant did not raise that point at the hearing and he could and should have done. In any event, I do not consider that this suggests that the pay statement (and accompanying email) were not sent to the Claimant in August 2018. Again, and for similar reasons, I do not consider that this application has any reasonable prospect of success.
4. For those reasons, the application to have both aspects of this judgment reconsidered is refused.

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Employment Judge Andrew Clarke QC

Date: .....18/02/2021.....

Sent to the parties on: ..18/02/2021.....

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For the Tribunal Office