



EMPLOYMENT TRIBUNALS

BETWEEN

MR B. JIMENEZ

Claimant

- and -

FIRMDALE HOTELS PLC

Respondent

JUDGMENT

The claimant's application dated **5 March 2021** for reconsideration of the Judgment sent to the parties on 19 February 2021 ("**Judgment**") is refused.

REASONS

1. The Claimant at paragraph 1 of his application states that in respect of "the victimization claim" concerning events in "2017-2018", it was not until April 2019 that he first had knowledge of the matters complained of when documentation retained by OH was disclosed to him.
2. It is not entirely clear what complaints this refers to, but at its widest, I take the Claimant to be referring to (i) the 'Original Complaint' set out at para 5 of the Judgment, and (ii) to the two complaints of victimisation contained at paras 10.2 and 10.3 of the Claimant's document dated 26 October 2020 headed "*Request for determination of the case*", which are set out at paras 8(a) and (b) of the Judgment.
3. I do not recall the Claimant making the point at the hearing on 12 January about his late discovery of these matters, but he may have done so. It was not included within his statement of evidence about why time should be extended.

4. However, the short answer to this part of the application is that I dismissed/did not allow amendments to include these three allegations, in each case, inter alia on the basis that they had no reasonable prospects of success: see paras 32, 37-40 of the Judgment. It would have made no difference if I had been persuaded, as the Claimant's application maintains, that he did not know of the matters complained of until April 2019.
5. The Claimant seeks reconsideration of the tribunal's dismissal of the holiday pay claim on the basis that it had no reasonable prospect of success: see para 27 of the Judgment. There is no basis on which the tribunal can properly review its Judgment and Reasons on this point.
6. At paragraph 3 of the application, the Claimant refers to his complaint about the wrongful disclosure of his medical records in 2017, observing that 'the tribunal suppose that [this was] accidental'. The tribunal made no finding or supposition on this point at para 37 of the Judgment. That complaint was dismissed only for the reason given in that paragraph, namely it was hopeless having occurred before the protected act.
7. Finally, at paragraph of the application the Claimant 'objects' to the narration of facts at para 40 of the Judgment, that 'By email of 17/9/19, C had expressed reservations about consenting to an OH referral', commenting that 'I always agree attending a health service review ... I didn't agree to disclose my medical records ...'. First, the email can be read by the tribunal at the final hearing. Secondly, para 40 of the Judgment makes no finding or comment on the basis of the Claimant's reservations.
8. For all the above reasons, there is no proper basis for a reconsideration of the Judgment.

Case Number: 2203194/2020

Oliver Segal QC
Employment Judge

Date: 12 March, 2021

JUDGMENT & REASONS SENT TO THE PARTIES ON : 12th March 2021

FOR THE TRIBUNAL OFFICE

Appendix – Directions

1. By 5 March 2021, the Respondent shall send the Claimant copies (redacted only in so far as is essential) of all documents it relies on to demonstrate that it did not furlough other or all other employees who were off long-term sick in March/April 2020.
2. By 9 April 2021, the Claimant will write to the Respondent confirming whether he wishes to pursue the Furlough Allegation, in light of those documents.
3. If the claim is to proceed:
 - 3.1. The parties are to disclose copies of all relevant documents to each other by 16 April 2021;
 - 3.2. The Respondent is to provide an electronic copy of a hearing bundle to the Claimant by 7 May 2021;
 - 3.3. The parties are to exchange witness statements by 28 May 2021;
 - 3.4. The claim is listed for a 1 day hearing, commencing 10.00 a.m, in person unless otherwise advised, on **29 June 2021**.