



EMPLOYMENT TRIBUNALS

Claimant: Ms A Gates

Respondent: Thermos UK Limited

JUDGMENT

The claimant's application dated **16th February 2021** for reconsideration of the judgment sent to the parties on **2nd February 2021** is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:-

1. The Claimant sets out at length in her application the reasons why she disagrees with the Tribunal's findings of fact.
2. These were, however, the unanimous conclusions of the Tribunal after weighing the available evidence.
3. There is nothing in the Claimant's application which indicates that any of the findings made is, in fact, demonstrably incorrect. The Claimant clearly disagrees with the weight attached to various pieces of evidence or to the construction of the wording of documents, and expresses her own contrary opinion, but she does not advance any new evidence. The respective arguments and submissions on both sides were fully considered at the hearing.
4. Only those findings which are material to the issues are recorded. It is not necessary, for instance, to go back and also examine alleged inaccuracies or inconsistencies in the Respondent's pleaded case, or in the witness statements, where these are further dealt with in the oral evidence, or are not pertinent to the actual issues defined in the case.
5. The decision was not reached because of an "unfair representation of the Claimant being paranoid", but on the evidence. In accepting

Mr Sellwood's description of the Claimant's evidence (paragraph 20) the Tribunal is not purporting to say that the Claimant has a medical diagnosis of paranoia – though she has uses that word to describe herself on some occasions. Paragraphs 18 and 19 of the judgment record the material findings of fact which led the Tribunal to agree with Mr Sellwood's assessment. That is that the Claimant went of sick in August 2019 believing from that time that her job was at risk, and that she persisted in that conviction no matter what views to the contrary were clearly expressed by the Respondent. From that the Tribunal was entitled to and did conclude that the Claimant's after-the event recollections are generally not reliable, but still made specific findings as necessary on the material conflicts of evidence.

6. There is, therefore, no reasonable prospect that the Tribunal, if reconvened to hear a reiteration of the Claimant's arguments, would come to any different conclusion on the relevant facts so as to affect the decision.

Employment Judge **Lancaster**

Date 1st March 2021