



EMPLOYMENT TRIBUNALS

Claimant: Mr J Brown

Respondent: Premier Pensions Management Limited

Employment Judge Pritchard

JUDGMENT

The Claimant's applications for reconsideration of the judgment sent to the parties on 30 January 2021 is refused.

REASONS

1. The Claimant has made the following applications for reconsideration:
 - 1.1. On 11 February 2021 (a 12 page application together with a 26 page detailed analysis);
 - 1.2. On 12 February 2021 (said to be a final submission and referring to an extract from an email);
 - 1.3. On 13 February 2021 (referring to different versions of Paul Couchman's witness statement); and
 - 1.4. On 23 February 2021 (described as a formal complaint about Paul Couchman's witness statement).
2. The substance of the Claimant's application shows that he seeks to relitigate his case. Reconsideration is not a method by which a disappointed party to proceedings can get a second bit of the cherry.
3. The Claimant's supplementary witness statements were produced after exchange and in response to those exchanged by the Respondent. The Tribunal heard argument as to whether they should be excluded. The Tribunal's decision was that they should be excluded for the reasons explained in paragraphs 3 and 4 of its judgment. The Claimant had full opportunity to cross examine the Respondent's witnesses. He was not disadvantaged.

4. With regard to the further emails disclosed by the Respondent on 14 January 2021, during the Claimant's cross examination of Martin Thompson it became clear that certain emails might not have been included in the bundle. Emails were provided by the Respondent early the following morning which gave the Claimant sufficient time to review them. The Claimant was not disadvantaged.
5. Paul Couchman provided a short supplementary witness statement during the course of the hearing. It was provided after resolution of the matter referred to in paragraph 18 of its judgment. As noted in paragraph 19 of the judgment, the Claimant had no objection to the Respondent introducing the statement. It was a short statement which the Claimant had sufficient time to consider in advance of his cross examination of Mr Couchman. He was not disadvantaged.
6. As to any omission from a particular version of Mr Couchman's statement, the Tribunal was aware that the Respondent's grounds of response stated that there may have been a case for the Claimant to answer at a disciplinary hearing in respect of gross misconduct. The Tribunal was also aware of the Claimant's emails in which he referred to gross misconduct. The Tribunal heard oral evidence from the Claimant and from Mr Couchman as to whether the words gross misconduct had been spoken. It was mainly on the basis of that evidence that the Tribunal reached its conclusion described at paragraph 93 of its judgment.
7. The Tribunal is satisfied that the Claimant had sufficient time and opportunity to adduce his own evidence and challenge that of the Respondent during the course of a multi-day hearing.
8. The Tribunal reached its conclusion by applying the relevant legal principles to facts as found upon the evidence before it.
9. The Tribunal will not provide additional reasons for its judgment. The judgment sent to the parties on 30 January 2021 is comprehensive, complies with Rule 62(5) and makes it clear why the Tribunal reached its decision.
10. It is not in the interests of justice for the judgment to be reconsidered.

Note:

Written reasons

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Employment Judge Pritchard

Date: 1 March 2021