



EMPLOYMENT TRIBUNALS

Claimant: R L Dyer

Respondent: Newcastle International Airport Limited

UPON a reconsideration of the judgment dated on the Tribunal's own initiative under rule 73 of the Employment Tribunals Rules of Procedure 2013, and without a hearing

JUDGMENT

1. The Reasons, sent to the parties on 26 February 2021 are varied to delete the words, 'It was at that point he borrowed it' and insert the phrase 'and took it to the crew room. He told Mr Barker 'I borrowed it on the Friday [1st November]'
2. A certificate of correction will be issued to reflect the amendment.

REASONS

1. Following receipt of an application for amendments to the reasons received from the claimant and dated 23rd March 2021, I have reviewed the reasons under Rule 73 Employment Tribunals Rules of Procedure 2013, and without a hearing.
2. The issues raised relate to relate to the facts as I found them on the balance of probabilities.
3. With regard to the matters which the claimant raises in his first paragraph:-
"Paragraph 6 states "a few weeks ago I took it (socket set) home to do a job on my car, it is sat in my porch, I just keep forgetting to bring it" . Although this was in a statement provided by NIAL (I believe NAT CLARK, who made several inaccuracies in his statement), Les has always strenuously denied saying this and furthermore it was impossible that it was true. It is a known fact that the socket set remained on site until 1st November 2019 and this is proven by CCTV. It only remained

at our home for 2 days, whilst Les was off work, and he only forgot to return it on 1 day - the day it was collected from our home by Nat Clark, and the first available opportunity”

4. The reference in *italics* is to comments made by the claimant when he was interviewed by Mr Clark on 4th November, page 60 of the bundle. I do not propose to amend it.
5. As to the matters set out by the claimant in his second paragraph:-
“Paragraph 9 states '*Later (20th October 2019) the claimant had found it (socket set) in the PAVA room. It was at that point that he borrowed it.*' This is also incorrect as it has been proven that he took it from the PAVA room to the site Crew room, where it remained until 1st November 2019 - CCTV proves this.”
6. Whilst I do not consider the facts in *italics* are material to my findings, I do accept that it is not entirely accurate and is at odds with paragraph 5 of the Judgment which reads:

‘The socket set was moved from the PAVA room by the claimant to the Crew Room on 20th October 2019 and that is where it remained until 1st November when the claimant took it home with him. ‘

7. To that end I will issue a certificate of correction in relation to Paragraph 9 by deleting the words ‘It was at that point he borrowed it’ and insert ‘and took it to the crew room. He told Mr Barker ‘I borrowed it on the Friday’[1st November].

Employment Judge Pitt
28 March 2021