



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms S Larkin

v

Kattz AH Ltd

Heard at: Watford

On: 8 April 2021

Before: Employment Judge Bartlett

JUDGMENT

1. The claimant's application for reconsideration of the Judgement dated 9 March 2021 and strike out and deposit orders is rejected.

REASONS

1. The claimant sent a letter of complaint and reconsideration. This was email to me on 26 March 2021 but I am unclear of the date this was sent by the claimant to the tribunal. This document has been treated as a reconsideration request of my judgement dated 9 March 2021 following a preliminary hearing which took place on 8 March 2021. The claimant made a request for reconsideration of my orders to strike out her protected disclosure claim relating to a disclosure made on 12 April 2019 and to make a deposit order in the amount of £100 in respect of a protected disclosure made on 1 May 2019.
2. Employment Tribunal rule 72 sets out the process I must follow in a reconsideration:

"Process 72.—(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.

(2) If the application has not been refused under paragraph (1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations.

(3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it; and any reconsideration under paragraph (2) shall be made by the Judge or, as the case may be, the full tribunal which made the original decision. Where that is not practicable, the President, Vice President or a Regional Employment Judge shall appoint another Employment Judge to deal with the application or, in the case of a decision of a full tribunal, shall either direct that the reconsideration be by such members of the original Tribunal as remain available or reconstitute the Tribunal in whole or in part.”

3. I have considered the claimant’s application carefully.
4. In relation to my order to strike out the public interest disclosure claim relating to the protected disclosure allegedly made on 12 April 2019, I find that the claimant has not established that there are reasonable prospects of my original decision being varied or revoked. The situation remains that the claimant’s claim form and documentation does not identify the necessary legal elements required to make a public interest disclosure claim.
5. In relation to the deposit order I made in respect of the public interest disclosure relating to a protected disclosure allegedly made on 1 May 2019, I find that the claimant has not established that there are reasonable prospects of success of my original decision being varied or revoked. The claimant’s application for reconsideration identifies actions that she took after 1 May 2019 however these actions cannot retrospectively change what happened on 1 May 2019. I find that the situation remains that there is little prospect of her establishing the necessary elements to succeed in a public interest disclosure claim.
6. The claimant’s application for reconsideration also sets out financial hardship that she is suffering because she is on universal credit. I was aware of this at the time that I made my original decision which makes reference to the claimant receiving universal credit. I have decided not to alter my original decision.
7. For these reasons the Claimant’s application for reconsideration is rejected.

Employment Judge Bartlett

Date: 8 April 2021.....

26/4/2021

Sent to the parties on:

J Moossavi

.....
For the Tribunal Office