EMPLOYMENT TRIBUNALS

Claimant: **Mr L. Garcia**

Respondent: **Landbased Ltd, trading as JP Pharmacy**

London Central
Employment Judge Goodman

ORDER

The claimant's application for reconsideration dated 27 May 2021 is dismissed under rule 72 as it has no has reasonable prospect of success.

REASONS

1. This is a decision on the claimant's third application for the judgment of 2 February 2021 to be reconsidered, although the application is expressed to be for reconsideration of the second reconsideration decision, which was sent to him on 11 May 2021.

2. The application was made on 27 May 2021, though only referred to me this morning. It was made 2 days outside the 14 days allowed for reconsideration applications. No reason is given why time should be extended. I have discretion to extend time if it is in the interests of justice but I decline to do so because time limits are set for a purpose, one of which is that there must be finality in judgment, and there have been two previous reconsideration applications where the claimant argues why his claim should not have been struck out.

3. Were the application made in time, I would in any case refuse it because it is not in the interest of justice, again because there must be finality in judgment, rather than to and from as a party rehearses arguments he has already made or forgot to make. The claimant now argues that a discrimination claim should not be struck out when there are disputed facts. He sets out a number of arguments why the facts require examination at a hearing of the evidence. The principle is well known, and it is set out in paragraph 14 of the 2 February judgment striking out the claim under rule 37. If the claimant considers the claim should not have been struck out on the grounds in that decision, because the law was misstated or it misapplied, that is a matter for the Employment Appeal

Tribunal, to which he has already appealed. .

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Employment Judge GOODMAN

Date 30th June 2021

JUDGMENT SENT TO THE PARTIES ON

.01/07/2021.

FOR THE TRIBUNAL OFFICE