



EMPLOYMENT TRIBUNALS

Claimant: Mr J Flowers

Respondent: Openreach

JUDGMENT

The claimant's application dated 14 February 2021 for reconsideration of the judgment sent to the parties on 12 February 2021 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. The claimant brought a claim for unfair dismissal. He had less than two years service with the respondent.
3. On 2 December 2020 the claimant was sent a letter warning him that his claim may be struck out. He was given the opportunity to give reasons why his claim should not be struck out.
4. On 3 December 2020 the claimant provided a lengthy document titled "reasons not to strike out my claim". It acknowledged that he had not had two years service.
5. In a Judgment on 9 February 2021 the claim was struck out because the claimant had been employed for less than two years and was not entitled to bring proceedings for unfair dismissal.
6. The claimant made an application for reconsideration of the Judgment on 14 February 2021. He explained that the reason for reconsideration was that he had suffered direct discrimination under the Equality Act 2010.
7. The Tribunal wrote to the claimant on 27 March 2021 asking the claimant to provide further information before the application to reconsider was considered. The further information sought was: the protected characteristic relied upon; and where in the grounds of claim or "reasons not to strike out my claim" the claimant

had made a discrimination claim and, if not, why it was being raised now. A response was sought within 14 days.

8. A reminder letter was sent on 14 April 2021, requesting a response by 10 May 2021.

9. An email was received from the claimant on 25 June 2021. It stated “this case is an unfair dismissal case”. The email explained why the claimant was dissatisfied with the dismissal and the decision of the Tribunal. It does not answer the questions asked by the Tribunal. It does not identify a protected characteristic relied upon or where a discrimination claim was previously asserted.

10. As the claimant had less than two years service, he is unable to pursue the claim which was brought of unfair dismissal. The strike out decision was correctly made. The claimant has not brought a claim for discrimination and has at no time identified a protected characteristic upon which he asserts such a claim would be based. Nothing in the content of the reconsideration application or the email of 25 June 2021 provides any basis for the Judgment to be varied or revoked.

11. It would not be in the interests of justice for the decision to be varied or revoked and there is no reasonable prospect of the original decision being varied or revoked based upon the application made.

Employment Judge Phil Allen

2 July 2021

JUDGMENT SENT TO THE PARTIES ON

5 July 2021

FOR THE TRIBUNAL OFFICE