



EMPLOYMENT TRIBUNALS

Claimant: Mr AM Ashu

Respondent: New Red Planet Limited

JUDGMENT

The claimant's application dated 29 June 2021 for reconsideration of the judgment sent to the parties on 28 June 2021 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because it is not in the interests of justice to do so.

The claimant is simply seeking to re-argue his case. The correspondence referred to was before the tribunal and considered by it, including the claimant's witness statement evidence referring to it. The communications were in the context of the claimant seeking to be placed on furlough rather than genuinely asking for work at a time when clearly none was available.

The arguments raised by the claimant in respect of holiday pay are not ones he articulated before the tribunal. Rather than seeking any additional amount in respect of pay between assignments, he brought a claim as set out in his schedule of loss based upon a percentage of accrued holiday pay with reference to wages received and in circumstances where this claim was for a total of £110.34, of which he had already received from the respondent the sum of £84.31. The tribunal did not consider there to be any basis for an accrual of holiday during periods which were not worked.

The tribunal dealt with preliminary issues raised regarding references to settlement discussions at paragraph 8 in its Reasons. Discussions with ACAS were not material to the tribunal's decisions and not part of its consideration or findings. It was simply noted that the claimant had made contact with ACAS as part of the relevant timeline. Such procedural issues were not material to the tribunal's decision and cannot found a basis for a reconsideration.

Employment Judge Maidment

Date 21 July 2021