



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms E Farrow

**Respondent:** LTE Group

## JUDGMENT

The claimant's application dated **15 June 2021** for reconsideration of the judgment sent to the parties on **2 June 2021** is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because the application for reconsideration does not raise any genuine grounds for the Judgment to be reconsidered. The Judgment held that the claimant delayed too long in resigning, such that she affirmed the contract of employment. Whilst the application for reconsideration makes clear that the claimant does not agree with that finding and does not understand why that should be the case, nonetheless that was the finding made for the reasons given in the Judgment. As a result of that finding, the claimant was neither able to succeed in her claim nor to recover a remedy. The claimant did not rely upon a last straw as being the reason for her resignation at the hearing, nor did she give evidence that she had resigned in response to a last straw. The claimant's concerns about her disability discrimination claim and the outcome of that claim cannot form the basis for an application to reconsider the decision reached in her claim for constructive unfair dismissal. The Employment Appeal Tribunal is responsible for issues regarding appeal, not the Employment Tribunal and, in any event, an outstanding appeal regarding the discrimination claim would not have affected the outcome in the constructive unfair dismissal claim based upon the evidence heard and the case brought. The claimant's claim was not found to be out of time, rather it was found that the claimant affirmed her contract of employment by remaining employed (before resigning) for the length of time which she did.

Employment Judge Phil Allen

9 August 2021

JUDGMENT SENT TO THE PARTIES ON

**Case No: 2405412/2019**

10 August 2021

FOR THE TRIBUNAL OFFICE