



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Dr Gueorgui Kolev

Middlesex University

Heard at: Watford

On: 17 March 2021

Before: Employment Judge Alliott

Appearances

For the Claimant: In person

For the Respondent: Mr Shane Crawford (Counsel)

RECONSIDERATION JUDGMENT

1. EJ Alliott has considered the claimant's application for reconsideration of his judgment made on 17 March 2021, signed on 21 April 2021 and sent to the parties on 26 April 2021.
2. Rule 20 Employment Tribunal's (Constitution and Rules of Procedure) Regulations 2013 deals with applications for reconsideration as follows:

“70. A Tribunal may, either on its own initiative ... or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.”

3. Rule 72 deals with the process.

“72. Process

- (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... the application shall be refused and the Tribunal shall inform the parties of the refusal.”

4. Documents used at the hearing

- 4.1 It is correct that the Notice directing this preliminary hearing states:

“You may submit written representations for consideration at the hearing. If so, they must be sent to the Tribunal and to all other parties not less than 7 days before the hearing.”
 - 4.2 The claimant is incorrect when he asserts that the respondents’ list of issues was sent to him 4 hours before the hearing. It was sent to the Tribunal and the claimant, along with a case management agenda, at 15.32 on 15 March 2021. The claimant therefore had the whole of 16 March 2021 to consider it. (It was the respondent’s skeleton argument that was sent at 14.13 on 16 March 2021).
 - 4.3 It is noted that the claimant sent his written representations to the respondent and the Tribunal at 09.30 on 17 March 2021, ½ hour before the hearing began.
 - 4.4 Employment Judge Alliot read and considered the claimant’s and the respondent’s documents for the hearing.
5. The claimant’s participation in the hearing.
 - 5.1 Employment Judge Alliot rejects the suggestion that he favoured the respondent and did not discuss the claimant’s sex discrimination claims with the claimant. Given that the strike out application was based on the claimant’s claim being out of time it is inevitable that the dates of the alleged treatment were important.
6. The grounds of the application for reconsideration.
 - 6.1 Employment Judge Alliot is confident that the claimant was given every opportunity to explain why the alleged treatment formed part of a series of connected events, culminating in his dismissal which is in time.
 - 6.2 The claimant is seeking to re-argue the issues which were argued and adjudicated upon at the hearing on 17 March 2021.
7. Conclusion.
 - 7.1 Employment Judge Alliot considers that nothing set out in the application for reconsideration makes it necessary in the interests of justice for the decision to be reconsidered. Employment Judge Alliot considers that there is no reasonable prospect of the original decision being varied or revoked and, accordingly, the application is refused.
8. The claimant’s complaint against Employment Judge Alliot’s conduct.

- 8.1 Employment Judge Alliott has disregarded the fact that a complaint against his conduct has been made in the determination of this application for reconsideration.
- 8.2 The complaint will be dealt with by Regional Employment Judge Foxwell.

Employment Judge Alliott

Date: 21/5/2021.

Sent to the parties on: 27/8/2021

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For the Tribunal Office