



EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT

V

RESPONDENT

Ms A Borkett

(1) MacMillan Cancer Support
(2) Michael Collins
(3) Craig Fordham
(4) Jennifer Daws

JUDGMENT

UPON an application by the Claimant for reconsideration pursuant to Rule 70 of the Employment Tribunal Rules, the application is refused as there are no reasonable prospects of the judgment, sent to the parties on 6 August 2021, being varied or revoked.

REASONS

Legal principles

1. Rule 70 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 provides that an Employment Tribunal may, either on its own initiative or on the application of a party, reconsider a judgment where it is necessary in the interests of justice to do so. On reconsideration, the judgment may be confirmed, varied or revoked.
2. Rule 71 states that an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the

written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

3. In this case, judgment was given orally at the hearing. Written reasons were then requested by the Claimant, and they were sent to the parties on 6 August 2021. The application for reconsideration was received by the Employment Tribunal on 19 August 2021 and therefore was submitted within the permitted time limits. The Claimant subsequently sent an updated version of her application for reconsideration, which is the version considered below.
4. Rule 72(1) states that 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 (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.
5. Rule 72(2) states that if the application has not been refused under Rule 72(1), the original decision shall be reconsidered at a hearing, unless the Employment Judge considers, having regard to any response to the notice provided under Rule 72(1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing, the parties shall be given a reasonable opportunity to make further written representations.
6. The application by the Claimant, which runs to 15 pages, is essentially an attempt by the Claimant to re-argue, what was clear from the decision given orally to the parties at the end of the hearing, and confirmed in the written reasons, to be a very weak case. There is nothing in the application which would warrant varying or revoking the judgment given. As there are no reasonable prospects of the judgment being varied or revoked, this application is refused pursuant to Rule 72(1).

**Employment Judge Hyams-Parish
27 August 2021**

**Case No: 2302887/2017
2302452/2018**