



EMPLOYMENT TRIBUNALS

Claimant: K Bartholomew

Respondent: Southcoast Scaffolding Limited

JUDGMENT

The claimant's application dated 9 September 2021 for reconsideration of the judgment sent to the parties on 27 August 2021 is refused.

REASONS

1. The claimant applied (by email) on 9 September 2021 for reconsideration of the Judgment and Reasons of the Employment Tribunal signed by the EJ on 24 August 2021 and sent to the parties by the Tribunal on 27 August 2021. The claimant requested reconsideration on the basis that he said that "We, the claimant" did "everything by the book" and that it was the respondent who held up the progress of the litigation.
2. The respondent opposed the application by an email dated 20 September. The claimant had not sent a copy of his reconsideration application to the respondent (as required under rule 92 of the Tribunal Procedure Rules 2013 (as amended) (The ET Rules). The Tribunal, therefore, sent a copy of the application to the respondent on 13 September (upon request by the EJ), which resulted in the delay to the respondent's response and to the issuing of this Judgment.
3. The claimant's application is made pursuant to rules 70-72 of the ET Rules.

The Reconsideration Application

4. Rule 70 of the ET Rules states:

A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ('the original decision') may be confirmed, varied

or revoked. If it is revoked it may be taken again.

5. The key factor is whether it is “in the interests of justice” to reconsider a judgment. The claimant’s application refers to the fact that he believes that he and his representative did everything they should have done. The Tribunal heard the parties’ evidence at the hearing on 24 August 2021. The Tribunal concluded that the claimant had not produced evidence to show to the requisite standard of proof that it was not reasonably practicable for him to have submitted his claim within the three-month time limit or within some other reasonable period. Accordingly the Tribunal did not have jurisdiction to consider his unfair dismissal claim. The Tribunal reached its conclusions based on the evidence placed before it.
6. The claimant’s application for reconsideration is refused as the claimant gave no reason as to why it would be in the interests of justice to reconsider the judgment – other than the fact that he does not agree with the decision made.

Employment Judge Henderson
27 September 2021