



EMPLOYMENT TRIBUNALS

Claimant: S Langley

Respondents: 1) The Hut Group Limited
2) AM2PM Group Holdings Limited
3) Ginomine Limited

JUDGMENT ON A RECONSIDERATION

The claimant's application dated 19 May 2021 for reconsideration of the Judgment and reasons sent to the parties on 6 May 2021 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. I have considered the claimant's application for reconsideration of the Judgment. The application was emailed by the claimant and received by the Tribunal on 19 May 2019. It consists of 1 page of submissions. I have taken the contents of the application into account together with the submissions of the first and second respondents, dated 13 September 2021 and 9 September 2021 respectively.

Rules of Procedure

2. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application without convening a reconsideration hearing if I consider there is no reasonable prospect of the original decision being varied or revoked.
3. The test is whether it is necessary in the interests of justice to reconsider the Judgment (rule 70). Broadly, it is not in the interests of justice to allow a party to reopen matters heard and decided, unless there are special circumstances, such as a procedural mishap depriving a party of a chance

to put their case or where new evidence comes to light that could not reasonably have been brought to the original hearing and which could have a material bearing on the outcome.

The application

4. The claimant's claim of race discrimination was struck out at a preliminary hearing on 5 February 2021, and a Judgment was sent to the parties on 10 February 2021. His application for reconsideration does not specify reasons for reconsideration and largely expresses his disagreement with the conclusion that his claim should be struck out.
5. Despite the points raised in his application, there is no reasonable prospect of the claimant establishing that the Tribunal made an error of law, or that any of the conclusions on the facts were perverse. Such contentions are in any event better addressed in an appeal than by way of reconsideration. However, the claimant's application contains a limited number of substantive points. I have considered each point in turn.
6. The allegation that the management of a third party (Amazon UK) was instructed by the first respondent to discredit the claimant was not an allegation raised in the claim form or further particulars. Allegations of collusion between the parties and third parties are not particularised and do not appear relevant to the claim or to this reconsideration.
7. The adequacy or otherwise of the first respondents' response to the claimant's subject access request is not a matter within the jurisdiction of the Employment Tribunal.
8. The third respondent had been joined into the proceedings on the basis that it might be the employer of the claimant. I found that it was not and, in the absence of any allegations against it, the third respondent was removed from the proceedings - see paragraphs 26 – 29 of the Reasons.
9. The allegation that the first respondent's response, filed on 24 December 2019 was "fabricated" is a very serious allegation which is not substantiated by the claimant and is not understood.
10. I am satisfied that I clarified the basis of the claim of race discrimination and the issues arising with the claimant at the preliminary hearing on 5 February 2021 and I assisted him in that regard by taking him through each of the issues to be determined in the case. At the preliminary hearing, the claimant accepted that his contention about the perception of his race was implausible – see paragraphs 34 and 35 of the Reasons. Nothing in the claimant's application for reconsideration seeks to address the Tribunal's conclusion, in light of such acceptance or at all, that the claim was bound to fail.

Conclusion

11. Having considered all the points made by the claimant I am satisfied that there is no reasonable prospect of the original decision being varied or revoked. The application for reconsideration is refused.

Employment Judge Batten
Date: 18 October 2021

JUDGMENT SENT TO THE PARTIES ON:

19 October 2021

FOR THE TRIBUNAL OFFICE