



EMPLOYMENT TRIBUNALS

Claimant: X

Respondent: Y

Heard at: Leeds (on paper) **On:** 21 September 2021

Before: Employment Judge Knowles

JUDGMENT UPON RECONSIDERATION

1. The Claimant's application dated 29 August 2021 for reconsideration of the judgment sent to the parties on 16 August 2021 is refused.
2. All claims having been determined, the Claimant's claims are dismissed.

RESERVED REASONS

1. The Claimant has made an in-time application for reconsideration of the judgment that I reached which was sent to the parties on 16 August 2021.
2. In that judgment, I reached the conclusion that the Claimant was not, at the relevant time, a disabled person for the purposes of Section 6 of the Equality Act 2010.
3. The Claimant has applied for reconsideration upon the ground that although she accepts that the information which she produced during the hearing was insufficient, she now wishes to produce further evidence.
4. The Claimant has explained that the reason for not providing the evidence previously was her inexperience in tribunal matters.
5. I note however that the Claimant is now asking me to look at her medical history and that she has attempted to share this with me through google drive. The Claimant was previously, in case management, ordered to produce her medical history but chose not to do so prior to my judgment being sent to the parties. Furthermore the previous case management order made clear to her the information that she should include in her evidence. At the hearing on 3 August 2021 the Respondent asked the Claimant about all of the matters she had chosen not to cover in her evidence. At all times the Claimant has refused to supply information or has produced very limited information. I note the Claimant

describes her previous evidence concerning her bowel condition as “deliberately vague”.

6. There must be finality in proceedings and the reconsideration process should not generally be used to gain a “second bite at the cherry” (*Todd t/a Hygia Professional Training v Cutter UKEAT/0063/07*).

7. Taking into account the grounds of the application for reconsideration and considering them in the round with the comments above, my conclusion is that the Claimant has had a fair opportunity to address the tribunal on any points of substance but failed to do so.

8. There is no reasonable prospect of the original decision being varied or revoked for those reasons.

9. I note at this point that there has been interlocutory correspondence concerning whether or not the Claimant’s claims have been concluded now. I apologise for contributing to that confusion; I was not previously made aware of the judgment of Employment Judge Wade 4 May 2021 in which the claim of unfair dismissal was disposed of under Rule 38.

10. The effect of these matters is that because the judgment made on 16 August 2021 determines the Claimant’s claims under the Equality Act 2010 and the judgment made on 4 May 2021 determines the Claimant’s claims under the Employment Rights Act 1996, the Claimant has no remaining claims before the employment tribunal. This means that she hearing scheduled to take place on 20-22 October 2021 will not take place nor do any of the previous case management orders need to be complied with.

Employment Judge Knowles

21 September 2021