



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Burke

**Respondent:** Royal Mail Group Limited

## JUDGMENT

The claimant's application dated **8 December 2021** for reconsideration of the judgment sent to the parties on **26 November 2021** is refused.

## REASONS

1. Employment Judge Alliott has considered the claimant's application dated 8 December 2021 for reconsideration of his judgment dated 4 November 2021, sent to the parties on 26 November 2021.
2. Employment Judge Alliott considers that there is no reasonable prospect of the original decision being varied or revoked and the application is refused.
3. Dealing with each of the grounds for reconsideration in turn:
4. Grounds 1, 2, 3, 7, 8, 11, 12, 13 and 14 all refer to re-instatement and / or re-engagement not being considered. The hearing on 24 and 25 August 2021 was to deal with liability only. Issues relating to re-instatement and re-engagement will be dealt with at the remedy hearing.
5. Grounds 4, 5 and 6 refer to a document that appears was not before Employment Judge Alliott. The claimant cannot complain that Employment Judge Alliott failed to take into account a document that he did not have before him and it is too late to seek to introduce it now.
6. Ground 9 complains that the claimant was unaware of the issues to be determined. The issues were defined and set out in writing by Employment Judge Bedeau following the preliminary hearing on 17 September 2018. Further, the claimant was represented and could have asked at any time for clarification if he was in any doubt. He did not do

so.

7. Ground 10 complains that the claimant was not explained the procedure for the final hearing. The procedure was adequately explained. Further, the claimant was represented and could have asked at any time for clarification if he was in any doubt. He did not do so.
8. Grounds 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 complain about the “Polkey” assessment that the chances of the claimant’s appeal being turned down were 100% and asserts that various matters were not taken into account.
9. Whilst paragraph 70 of the judgment is indeed short, the reasoning is based on the evidence and conclusions relating to the original decision to dismiss and its justification. These are extensive and reasoned.
10. The various matters raised were taken into consideration, but it is specifically recorded that the claimant was being dealt with under the attendance policy and not under the sickness absence policy. Employment Judge Alliott stands by his decision and if the claimant disagrees, it is a matter for appeal.
11. Ground 24 is misconceived as the judgment was that the lack of an appeal hearing rendered the dismissal procedurally unfair.
12. Ground 25 is irrelevant as, with compensation assessed at nil, there is nothing to uplift.

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Employment Judge **Alliott**  
11 January 2022

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE