



EMPLOYMENT TRIBUNALS

BETWEEN

Mr A Foucher

Claimant

AND

Terra Firma Capital Partners Limited

Respondent

JUDGMENT

The claimant's application dated 22 November 2021 for a reconsideration of the Judgment sent to the parties on 8 November 2021 is refused.

REASONS

1. The power to reconsider is contained in rule 70 of the Employment Tribunal Rules 2013 which states:

'A Tribunal may, either on its own initiative ... 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.'

2. The claimant's application is based on both an issue about documents and more generally his disagreement with the conclusions I reached on the facts.
3. There is no reasonable prospect of the original decision being varied or revoked on either basis because:

- 3.1 As far as the documents are concerned, although I see that Judge Martin ordered on 23 March 2020 that no evidence or witness statements be used at the preliminary hearing beyond that prepared at that time, I was presented with what I understood to be an agreed bundle of documents at the hearing on 4 November 2021. I have no recollection nor note of there being any dispute by the claimant at that time as to the content of that bundle. He did not refer to any such issue in his written closing submissions. It seemed to me that the documents in that bundle that I was referred to were relevant to the issue I had to determine. It would not have been in the interests of justice then to refuse to consider relevant

documents and it would not be now.

- 3.2 As far as my findings are concerned, clearly the claimant disagrees with them and the basis upon which I made them – as he is entitled to do. He has noted alleged inconsistencies. The matters he refers to were considered at the hearing and both parties had the opportunity to comment on them. They do not lead me to believe that I made any error. If the claimant wishes to pursue this further then that should be by way of appeal but he should note that strict time limits apply in that regard.

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Employment Judge Andrews
14 December 2021

Judgment sent to the parties and entered in the
Register on: 20 December 2021

for the Tribunal Office