



EMPLOYMENT TRIBUNALS

Claimant: Mr M Bagdatyan

Respondent: DMV Logistics Limited

JUDGMENT ON RECONSIDERATION

The Respondent's application dated **28 December 2021** for reconsideration of the judgment sent to the parties on **15 December 2021** is refused on the ground that it has no reasonable prospect of success.

REASONS

1. This case was heard on 14 December 2021. The Respondent did not attend the hearing. Mr M Kavoc of the Respondent has sent in an apology for his non-attendance having failed to attend because he said he was too busy on the day.
2. The Respondent failed to comply with the Tribunal's orders in a timely fashion and did not produce any documents relevant to the issues. Written reasons for my judgment were sent to the Respondent in accordance with their request.
3. In the application for a reconsideration, referred to also as an appeal in the documents sent with the application, the Respondent seems to make an argument that they should not pay all that is due to the Claimant because of damage to one of their vans caused by the Claimant. Since the Respondent did not attend the hearing, it is now too late to produce the relevant documents and make this argument. Any evidence the Respondent has, was in their possession at the time of the hearing or it should have been.
4. In any event, the issue in relation to the cost of repairs to the van was set out in my written reasons. There is no argument before me that there is good reason to find that the cost of repairs is a lawful deduction for the purposes of section 13 of the Employment Rights Act 1996. The Respondent has provided no documentary evidence to support such an argument and, even if it existed, it should have been produced at the hearing.
5. Under rule 72 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, it falls to me to consider an application for reconsideration and, if I find there to be no reasonable prospect of the original judgment being varied or revoked, I must inform the parties accordingly. This is a case where the Respondent

seeks a second bite of the legal cherry. Throughout the course of this case the Respondent has failed to deal with the issues raised by the Claimant and failed to provide the evidence upon which it apparently seeks to rely now. There is no basis upon which I consider my judgment should be reconsidered. It has no reasonable prospect of success and is refused.

Employment Judge **Butler**

Date 13 January 2022

JUDGMENT SENT TO THE PARTIES ON

17 January 2022

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FOR THE TRIBUNAL OFFICE