



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs M Carter

**Respondent:** Ramathan Ltd

## JUDGMENT

The respondent's application dated 17<sup>th</sup> December 2021 for reconsideration of the Judgment sent to the parties on 6<sup>th</sup> December 2021 is refused.

## REASONS

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

1. This is a request to reconsider the Judgment of a remedy hearing following Judgment being entered in default. The respondent was given permission to take part in the remedy hearing. The issues were whether the claimant contributed to her dismissal, allowing the award to be reduced and whether if a fair procedure had been adopted, the claimant would still have been dismissed
2. The award made to the claimant was reduced by 10% to reflect the possibility that the claimant may have been fairly dismissed.
3. The award was not reduced for contributory conduct for the reasons set out in the Judgment. The claimant was not dismissed for playing scratch cards but for theft of money from the till.
4. The evidence in relation to the theft was unsatisfactory. The claimant was alleged to have been dismissed for stealing £10, but the evidence of Mr Raj was that there was a shortfall in the till of £75; this was never explained.
5. The findings I made were that the claimant had not been told to stop playing the scratch cards, but even if she had, she was not told she might be dismissed

for doing this. She was not dismissed for playing the scratch cards; therefore, this is not taken into consideration when considering contributory conduct.

6. Grounds 1,3,4: the video footage. The video footage was viewed with the parties during the hearing and by me during my deliberations. There is nothing new disclosed by this ground. It is the respondent's responsibility to ensure that the evidence it wishes to rely upon is in a format that may be viewed by the Tribunal. This is not a ground for reconsidering the Judgment.
7. Ground 2: At the commencement of the hearing, there was a discussion as to the requirement for an interpreter. I was assured that the hearing could go ahead. Having spoken to Mr Raj, I was satisfied that his understanding of English was such as to enable a fair hearing. In addition, the hearing had previously been postponed, and the issue of an interpreter was not raised by the respondent at that hearing or subsequent to it. It was, therefore, in accordance with the overriding objective to proceed to hear the evidence and not adjourn again.
8. The remaining grounds are simply a rehearsal of the issues raised at the hearing. Or the respondent is trying to raise issues/questions which it failed to deal with at the hearing. The respondent has not disclosed any new issues or disclosed any evidence which was not available at the time of the hearing, which would raise the prospect of the Judgment being varied.

Employment Judge AE Pitt

Date 5<sup>th</sup> January 2022