



EMPLOYMENT TRIBUNALS

Claimant: Mr I Lymar

Respondent: K&D Joinery Ltd

JUDGMENT FOLLOWING RECONSIDERATION

The claimant's application dated 23rd January 2022 for reconsideration of the judgment sent to the parties on 13th January 2022 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, for the following reasons:

1. The Claimant won his claim for unfair dismissal.
2. The reconsideration request firstly disagrees with the reason why he won his claim. I found he won because I decided that the Respondent had got some aspects of the dismissal procedure wrong and that the dismissal was therefore unfair for this reason. The Claimant thinks that he should have won for a different reason, namely his claim that he was not dismissed because of his conduct but because he had asked to be paid for his past work on the CDC machine and because he had raised questions about the furlough scheme.
3. In this case the parties disagreed with what was the real reason for dismissal – the Claimant said it was because he had asked to be paid for his past work on the CDC machine and because he has raised questions about the furlough scheme. The Respondent said the reason was his conduct. That was an issue I had to decide on all the evidence and I decided that the real reason was the Claimant's conduct.
4. The Claimant does not want to have the judgment (ie the outcome) revoked or varied because he won his claim (although he was not awarded compensation – see below). A reconsideration request is not a way to challenge a Tribunal's reasons (*Ameyaw v PricewaterhouseCoopers Services Limited* [2021] 11 WLUK 36).

5. The reconsideration request secondly disagrees with the findings of fact about the Claimant's conduct ie whether in fact he had permission to take the items, relevant to the compensation issue. The parties disagreed on this issue so again I had to decide on all the evidence whether he did have permission and I decided that he did not.

6. The only ground for consideration in Rule 70 of the Tribunal Rules 2013 is that it is necessary in the interests of justice to reconsider the judgment. The reconsideration process is not a way for a party to have a second chance to re-argue matters that the Tribunal has already decided on the evidence and the interests of justice include the interest of the other party in having had a final decision.

7. The judgment sent to the parties on 13th January 2022 made findings of fact as to the real reason why the Claimant was dismissed and whether or not he in fact had permission to take items. He attended that hearing and does not provide eg newly discovered evidence now he did not have at the time of the hearing which is relevant to these issues or evidence of something relevant to these issues which happened after the hearing.

8. In these circumstances there is no reasonable prospect of the original decision being varied or revoked and the application for reconsideration under Rule 70 is refused.

Employment Judge Reid
Date 27th January 2022