



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Lottrie

**Respondent:** Network Rail Infrastructure Limited

## JUDGMENT

The claimant's application dated 19 December 2021 for reconsideration of the judgment sent to the parties on 3 December 2021 is refused.

## REASONS

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

1. Employment Judge Alliot has considered the claimant's email timed and dated at 16:28 on 19 December 2021. It is noted that the respondent has not been copied in but Employment Judge Alliot has nevertheless decided to deal with it without input from the respondent.
2. Any appeal against the judgment has to be made to the Employment Appeal Tribunal.
3. Employment Judge Alliot has treated this email as an application for re-consideration.
4. The application for reconsideration was received more than 14 days after the date on which the decision was sent to the parties. However, Employment Judge Alliot has decided that it is in the interests of justice to extend time.
5. It is noted that unfortunately the claimant had bereavements in January and February 2021, had childcare commitments from August 2020 and attended a criminal trial to support his daughter in September 2021. However, the claimant has not explained why he has not exchanged a witness statement and why he was not in attendance on 9 November 2021. Employment Judge Alliot notes that the judgment sets out that the claimant needs to explain why he has not exchanged a witness statement and why he did not attend the hearing on 9 November 2021. He has not done this in any detail.

6. It remains the judgment of Employment Judge Alliot that the manner in which the claimant has conducted the proceedings has been unreasonable, that the claimant remains in default of an order of the Tribunal and no good reason has been given for his failure to attend the hearing.

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Employment Judge Alliot

Dated: 28 February 2022

JUDGMENT SENT TO THE PARTIES ON

4 March 2022

FOR THE TRIBUNAL OFFICE