



EMPLOYMENT TRIBUNALS

Claimant: Mr M Davies

Respondent: Environtec Ltd

JUDGMENT

The Claimant's application dated 17 May 2022 for reconsideration of the judgment sent to the parties on 3 May 2022 is refused.

REASONS

1. Having reviewed:
 - a. her notes of the evidence given by the Claimant at the hearing on 12 April 2022;
 - b. the witness statements of the Claimant;
 - c. the judgment sent to the parties on 3 May 2022;
 - d. the contents of the Claimant's application dated 17 May 2022

I am satisfied that there is no reasonable prospect of my original decision being varied or revoked.

2. Within his evidence the Claimant did not argue that chest infections predominantly followed bouts of poor mental health, rather the Claimant evidenced (§3 Claimant's statement,) that his chest infections caused him to become anxious.
3. At §27 of the Written Reasons, I set out my assessment of the credibility of the Claimant's evidence in relation to the day to day activity of climbing ladders,
4. At §19 of the Written Reasons, I set out my finding of fact that the Claimant

had stopped using a cloth face covering in late September / October 2020. The Claimant did not assert or argue that the wearing of a cloth face covering and/or visor was a 'normal day to day activity' (see also §19 Written Reasons). The impact of wearing a mask and whether or not that caused distress and/or aggravated his asthma was therefore not a relevant consideration.

5. The decision that was reached was based on the medical evidence that the Claimant sought to rely on, and the evidence provided by the Claimant on the impact on his day to day activities.
6. The Claimant's application of 17 May 2022, contains not only evidence which was taken into account in reaching the decision, but also additional evidence which was not put before the Tribunal at the hearing on 12 April 2022 (either in written statement or in oral evidence).
7. I am satisfied that, despite having the opportunity to put include such matters within his disability impact statement, particularly the impact on his normal day to day activities, the Claimant did not do so.
8. The purpose of the reconsideration is not to provide the parties with the opportunity of adducing further evidence and there is a strong public interest that there should, so far as possible, be finality of litigation.

Employment Judge R Brace

Date 26 May 2022

JUDGMENT SENT TO THE PARTIES ON 31 May 2022

FOR THE TRIBUNAL OFFICE Mr N Roche