



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs D Clarkson-James

**Respondent:** York and Scarborough Teaching Hospitals NHS  
Foundation Trust

## JUDGMENT

The claimant's application dated 9 June 2022 for reconsideration of the judgment sent to the parties on 5 May (with written reasons sent on 25 May) is refused.

## REASONS

The tribunal considers it just and equitable to extend time to consider the claimant's application in the circumstances explained by the claimant in her email of 6 June and her period of sickness. This was submitted prior to the expiry of the 14 day time limit to submit an application for reconsideration.

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

The majority of the matters raised by the claimant were already raised and considered at the earlier preliminary hearing which resulted in the strike out judgment. The claimant seeks to give a different account of events in some respects, including raising a lack of certainty regarding the date of receipt of a response to her flexible working application and an alternative account of her contact with the CAB and her conversations with ACAS. Such alternative accounts are not corroborated by any additional evidence and there is no satisfactory explanation as to why such evidence could not have been provided at the preliminary hearing.

In any event, the tribunal's decision would not have been affected had any alternative factual account advanced now by the claimant been accepted. The claimant's complaints remain significantly out of time. It would not have engaged

**Case No: 1804937/2021**

the tribunal in a materially different assessment of the factors relevant to its consideration as to whether an extension of time ought to have been granted in terms, in particular, of the claimant's explanation for her delay and the balance of prejudice in all of the circumstances of this case.

Employment Judge Maidment

Date 14 June 2022