



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P Ennis  
**Respondent:** DPD Group UK Limited

## JUDGMENT

The Claimant's application dated **4 July 2022** for reconsideration of the judgment dated **17 June 2022** has no reasonable prospect of success and is refused.

## REASONS

1. This is an application by the Claimant under rule 70 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 for a reconsideration of the judgment referred to above. It was received within the time limit set out in rule 70. In the judgment, the Claimant's claims were found to be not well founded and were dismissed.
2. In his claim, the Claimant brought claims under section 44 of the Employment Rights Act 1996 and sections 13 and 26 of the Equality Act 2010. His application for reconsideration extended to some 14 pages and was supplemented by further correspondence and reference to two judgments of the Employment Tribunal which are referred to below. The final pages of the application take issue with the judgment of Employment Judge Hutchinson in the first of the 3 cases brought against the Respondent by the Claimant in which it was found the Claimant was not disabled. The Claimant's appeal against that judgment has now been dismissed. As that case is entirely separate from the one before the current Tribunal, those arguments have been ignored for the purposes of this application.
3. In his application, the Claimant to a large extent seeks to challenge the Tribunal's findings of fact in relation to, inter alia, his partner's vulnerability, the relevant Government Guidance, the evidence of his partner having to shield and the provision of PPE. We see no reason to reconsider the findings of fact already made on the evidence which was before the Tribunal. However, it is fair to say that the Claimant continues to miss the point in relation to these matters. By way of example, he refers to the letter sent to his partner by her GP on 22 June 2020 advising that she should continue to shield. The point made by the Tribunal in its

findings of fact is that, despite requests made by the Respondent, the Claimant repeatedly failed to produce evidence that his partner was required to shield during the period in which he refused to work. Indeed, there was no evidence, other than that of the Claimant, that this was the case and we did not find his evidence to be credible.

4. The Claimant refers to 3 cases which he says are relevant to his application.

5. The first case the Claimant refers to is *Rodgers v Leeds Laser Cutting Ltd* [2022] EAT 69. The Tribunal took full account of this judgment and the reasoning behind it in its own judgment. It is not considered there are any reasons to revisit those comments now.

6. The following two cases are, in the Tribunal's view, easily distinguishable from the Claimant's case. We also note that, being judgments of the Employment Tribunal, they are not binding on this Tribunal. The first case is *Mrs B Regnante v Essex Cares Limited*, claim no. 1403429/2020. That case is distinguishable because the Claimant produced a letter to her employer from her husband's GP at the commencement of lockdown in March 2020 confirming her absence from work was due to him recovering from cancer and, therefore, was clinically extremely vulnerable. Mr Ennis did not produce such evidence to his employer before refusing to attend work.

7. The second case is *Mrs P Devaney v Porthaven Care Homes No. 2 Limited*, claim no. 2304184/2020. That case is distinguishable because it related to the employee's own condition of Crohn's Disease, not her partners. Further, her letter from the GP dated 21 March 2020 was handed to her employer before she failed to attend work. These facts do not relate to the claim by Mr Ennis.

8. The Tribunal reminds the Claimant that it dealt with the issues before it. Not every matter raised by the Claimant was considered because they were not issues to be decided. Further, the Claimant makes repeated reference to the findings of Employment Judge Butler whereas the findings of fact and the conclusions were those unanimously found by a panel comprising the Employment Judge and 2 non-legal members.

9. For the above reasons, the application for a reconsideration has no reasonable prospect of success and it is not in the interests of justice to revoke the judgment either in whole or part.

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Employment Judge **Butler**

Date 27 July 2022

JUDGMENT SENT TO THE PARTIES ON

1 August 2022

FOR THE TRIBUNAL OFFICE