



EMPLOYMENT TRIBUNALS

BETWEEN

MR KEVIN NICHOLAS

AND

CAPITA PLC

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD by consideration of the papers **ON** 17 August 2022

EMPLOYMENT JUDGE H Lumby

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The judgment of the tribunal is that the application for reconsideration is allowed and the judgment of the tribunal given on 6 May 2022 is varied so that the claimant's claim for breach of contract is dismissed

REASONS

1. The respondent has applied for a reconsideration of the judgment dated 6 May 2022 which was sent to the parties on 20 May 2022 (the "Judgment"). The grounds are set out in its email dated 31 May 2022. That letter was received at the tribunal office on 31 May 2022. A date of 12 August 2022 was set for the reconsideration hearing.
2. The claimant is now asking for the claim to be dismissed on the basis that he wishes it to be withdrawn following the settlement of his claim.

3. This reconsideration has been on the papers alone as I did not consider that a hearing is necessary. The order made is described at the end of these reasons.
4. Schedule 1 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 contains the Employment Tribunal Rules of Procedure 2013 ("the Rules"). Under Rule 71 an application for reconsideration under Rule 70 must be made within 14 days of the date on which the decision (or, if later, the written reasons) were sent to the parties. The application was therefore received within the relevant time limit.
5. The grounds for reconsideration are only those set out in Rule 70, namely that it is necessary in the interests of justice to do so.
6. On the basis that the parties have now settled the claim following the application for reconsideration, I consider it in the interests of justice to vary the Judgment to reflect the claimant's request for withdrawal and for the case to be dismissed as a result of the settlement reached between them.
7. Accordingly, I allow the application for reconsideration and vary the judgment made on 6th May 2022 to read as follows:

"The judgment of the tribunal is that the claimant's claim for breach of contract is dismissed"

Employment Judge H Lumby
Date: 17 August 2022

Judgment & Reasons sent to Parties on
1 September 2022 by Miss J Hopes

FOR THE TRIBUNAL OFFICE