



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Prigmore  
**Respondent:** DVLA

## JUDGMENT

The claimant's application dated 15 September 2022 for reconsideration of the judgment sent to the parties on 13 September 2022 is refused.

## REASONS

### **The law**

1. An application for reconsideration is an exception to the general principle that (subject to an appeal on a point of law) a decision of the Employment Tribunal is final.
2. Rule 70 ET Rules 2013 sets out the test on reconsideration which is whether it is necessary in the interests of justice to reconsider the judgment. Pursuant to Rule 72(1) I may refuse an application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.
3. There is no reasonable prospect of the original decision being varied or revoked, because:

4. Having reviewed
  - a. her judgment sent to the parties on 13 September 2022;
  - b. the letter from the Claimant dated 15 September 2022

Employment Judge Brace is satisfied that the Claimant is not entitled to bring a complaint of unfair dismissal as they do not have 2 years' service, they failed to make any representations why the case should not be struck out or request a hearing. Further and in any event, the Claimant is not bringing an unfair dismissal claim where s108 Employment Rights Act 1996 applies, but is making a claim of constructive dismissal under s.39 Equality Act 2010, which is permitted to proceed.

5. Case management on the Claimant's remaining disability discrimination claims, including any claims for constructive dismissal brought under s.39 Equality Act 2010 will be discussed at the next preliminary hearing.

**Employment Judge R Brace**

Date 23 September 2022

JUDGMENT SENT TO THE PARTIES ON 26 September 2022

FOR THE TRIBUNAL OFFICE Mr N Roche