



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Edmunds  
**Respondent:** AM Fire Systems Ltd

## JUDGMENT

The claimant's application dated 10 June 2022 for reconsideration of the judgment sent to the parties on 27 May 2022 is refused.

## REASONS

1. I have undertaken preliminary consideration of the claimant's application for reconsideration of the judgment dismissing certain of his claims. That application is contained in an email dated 10 June 2022. The email does not comply with Rule 71 Employment Tribunal Rules of Procedure 2013 as it was not copied to the respondent. It was, however, presented within the 14 days required by Rule 71.
2. Unfortunately, the application was not referred to me in a timely way. The claimant subsequently wrote to the Tribunal on 24 August 2022 and 5 September 2022 chasing his application. I have also had regard to the comments made in those emails in support of the application.
3. I apologise to the claimant for the failure to provide an earlier response. In the circumstances of this case, I am able to determine the application without seeking comments from the respondent and, with a view to avoiding further delay, I have done so. This Judgment will be sent to the respondent along with copies of the claimant's emails, referenced above.
4. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 70).
5. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.

6. The Judgment which is under consideration was a reasoned Judgment in which I decided to dismiss claims which the claimant (having then been professionally represented) had withdrawn at an early stage in proceedings, prior to a case management hearing on 11 February 2021. Although withdrawn, the claims were not initially dismissed for reasons set out at length in the Judgment.
7. In the Judgment of 27 May 2022 I decided that the time had come to dismiss those claims. Before doing so, I gave each party opportunity to put its position across in correspondence.
8. It is important to understand that, in the Tribunal, a withdrawn claim comes to end regardless of whether or not it has been dismissed. It is very unusual for an application for dismissal to be contested, particularly so long after the withdrawal. Nothing which has now been said by Mr Edmunds creates any doubt in my mind that the decision to dismiss was the correct decision in furtherance of the interests of justice. There is no reasonable prospect of the decision being revoked and the application for reconsideration is refused.

Employment Judge Dunlop

DATE: 21 September 2022

JUDGMENT AND REASONS SENT TO THE PARTIES ON

26 September 2022

FOR THE TRIBUNAL OFFICE