



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms S. Barriffe

v

Lasercare Clinics (Harrogate) Ltd

JUDGMENT

The Claimant's application dated **24 September 2022** for reconsideration of the Judgment sent to the parties on **12 September 2022** ("**the Judgment**") is refused because there is no reasonable prospect of the Judgment being varied or revoked.

REASONS

1. At the case management preliminary hearing on 12 September 2022 the Claimant withdrew her complaints of race and disability discrimination. The complaints were dismissed upon withdrawal under Rule 52 of the Employment Tribunals Rules of Procedure 2013 ("**the ET Rules**"). The dismissal was recorded in the Judgment sent to the parties on 12 September 2022.

2. On 24 September 2022, the Claimant wrote to the Tribunal asking the Tribunal "*to pardon*" her decision and "*to amend the judgment and reintroduced my claim for disability and discrimination*". I accepted the Claimant's email as an application for reconsideration under Rules 70-72 of the ET Rules.

3. In her email the Claimant said that at the time she felt she had none of the evidence available to support her discrimination claims and now she managed to access them.

4. Before sending her request to "reintroduce" her discrimination claims, the Claimant sent to the Tribunal various photographs and video clips, showing the flooding at the Respondent's premises, and various emails, which she said she wanted to be included in the hearing bundle. In her covering email the Claimant said that the photos and emails show incidents which led up to her alleged constructive dismissal. The Claimant did not include any further evidence with her request for reconsideration.

5. By an email dated 29 September 2022 the Respondent objected to the Claimant's application, and the Claimant responded on the same day to the Respondent's objection.

6. In reaching my decision I have considered all the above documents.

7. The Claimant's application does not disclose any new facts or circumstances, which would justify revisiting the Judgment. The emails the Claimant appears to rely upon as new evidence are not new. At the preliminary hearing on 12 September 2022 the Claimant said that she had identified further emails which she claimed were relevant to her unfair dismissal claim. She was ordered to send copies of all such emails to the Respondent as

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soon as possible. These are the emails she sent to the Tribunal on 23 and 24 September 2022 before making her application.

8. At the preliminary hearing the Claimant did not say that she had emails that were relevant to her discrimination complaints, or that she would not have withdrawn her discrimination complaints if she had access to those emails. In any event, it is not apparent how the disclosed emails are said to be relevant to the originally alleged discriminatory conduct, and the Claimant did not provide any meaningful explanation in her application for reconsideration. The photos and video clips are also of no apparent relevance to any issues in the case.

9. The Claimant freely withdrew her discrimination claims at the very start of the preliminary hearing. Her subsequent change of heart is not a sufficient reason to reopen the determined issues in the case.

10. Accordingly, the Tribunal does not consider that it is necessary in the interest of justice to reconsider the Judgment.

Employment Judge **Klimov**

Date: 1 October 2022

JUDGMENT SENT TO THE PARTIES ON

03/10/2022

FOR THE TRIBUNAL OFFICE