



EMPLOYMENT TRIBUNALS

Claimant: Mr A M Moussa

Respondents: First Greater Western Ltd (1)
Mr D Haynes (2)
Mr B White (3)

RECONSIDERATION JUDGMENT

The claimant's application dated 28 February 2022 for reconsideration of the judgment sent to the parties on 14 February 2022 is refused.

REASONS

The claimant requests a reconsideration of the tribunal's Reserved Judgment in relation to three matters. There is no reasonable prospect of the original decision being varied or revoked in respect of any of those matters for the following reasons.

Claims for Overtime and Holiday pay

1. The claim form submitted on 12 December 2018 included a claim for breach of an obligation to pay overtime and holiday pay. The relevant period of the alleged non-payment was 2012 – 2014.
2. The tribunal noted that no formal legal claim had been brought in relation to these matters until the current proceedings, which were lodged four years after the end of the period in question. The agreement which the claimant alleged had been breached contained a provision for bringing legal claims in the event of a dispute. The claimant did not pursue that course of action at the time.
3. The claimant also suggests that the tribunal followed its own approach in relation to relying on 'Redouane' as a comparator to support its finding that the protected acts were not likely to be the cause of the claimant not receiving the payments since Redouane received those payments and had done the same protected acts as the claimant, being another claimant in the earlier tribunal claims. In reaching this conclusion, the tribunal relied on evidence which was before it. The issue also formed part of the submissions made on behalf of the respondent.

Claim against Dean Haynes (second respondent)

4. The claimant, in his reconsideration application, is repeating the submissions made at the full merits hearing. These were considered in depth by the tribunal and its conclusions are recorded in the decision. The claimant has not put forward any new reasoning. The fact that the claimant does not agree with the tribunal's findings is not a reason for reconsideration of the original decision.

Claim against Billy White (third respondent)

5. The claimant, in his reconsideration application, is repeating the submissions made at the full merits hearing. These were considered in depth by the tribunal and its conclusions are recorded in the decision. The claimant has not put forward any new reasoning. The fact that the claimant does not agree with the tribunal's findings is not a reason for reconsideration of the original decision

Employment Judge Davidson
Date 19 October 2022

JUDGMENT SENT TO THE PARTIES ON
19/10/2022

FOR EMPLOYMENT TRIBUNALS