



EMPLOYMENT TRIBUNALS

Claimant: Mr A Hurle

Respondent: London Fire Commissioner

JUDGMENT

The Claimant's application of **25 October 2022** for reconsideration of the judgment sent to the parties on **11 October 2022** is in part refused.

REASONS

1. The Claimant makes an application for reconsideration.
2. Under Rule 72(1) of the Employment Tribunal Rules 2013, I must first consider whether there is a reasonable prospect of the Judgment being revoked or amended.
3. I have explained in a letter sent to the parties with this judgment why I have asked the Respondent to respond to the part of the reconsideration application concerning original issue 1.4.1.3, pursuant to Rule 72(1).
4. Save as to that issue, I refuse the remainder of the application.
5. There is an important public interest in the finality of litigation. Litigation is stressful, expensive and time consuming: unless there are very good reasons, the hearing of a claim is the *only* opportunity to put forward evidence and arguments. This is fair to both parties and to the Tribunal administration and to all the other parties with cases waiting to be heard. Therefore a party who relies on a new fact or argument after a hearing, must show they could not have told the Tribunal that fact or argument at the hearing.
6. The Tribunal does not intuit a party's case: it must be put. The Judgment is not a jumping off point for further argument or discussion or ideas about how best a Claimant can be compensated.
7. The second issue raised in the Application for Reconsideration is how the Tribunal treated sums received in the form of the Bounce Back Loan. The

Tribunal's reasoning on this is well set out in the decision and it is not in the interests of justice to reconsider it. The tribunal expressly set out that the sums were loans which is why it took repayments into account in its mitigation assessment (thereby reducing profits, thereby extending the period of time the Claimant experiences loss). It also explained why Engine's loan was treated differently, because it was not cash available to be drawn by the director having been spent on capital assets.

8. The third issue about 'other pension-related losses' is premature. Pension matters will be considered in the Second Remedy Hearing. It is unsurprising therefore, as the Claimant's solicitor puts it, that these matters have not yet been considered.
9. In relation to a 'death in service' lump sum. The Tribunal specifically set out, at paragraph 249 that the parties will inform us about the lump sum position.
10. In relation to other pension losses, it is not clear that these pension losses form part of the Claimant's case. The Claimant will have to set out his position on this at the next Preliminary Hearing at which issues in the Second Remedy Hearing will be considered. If his claim requires amendment, the Tribunal will consider an application.
11. The application for reconsideration therefore fails.

**Employment Judge Moor
Dated: 16 November 2022**