



EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT

V

RESPONDENT

Ms E Ghirmai

Flight Centre (UK) Limited

JUDGMENT

UPON an application by the Claimant for reconsideration of a decision to strike out claims of unfair dismissal (s.98 ERA 1996) and religion and belief discrimination, the application is refused as there are no reasonable prospects of the judgment being varied or revoked.

REASONS

1. Rule 70 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the Rules") provides that an Employment Tribunal may, either on its own initiative or on the application of a party, reconsider a judgment where it is necessary in the interests of justice to do so. On reconsideration, the judgment may be confirmed, varied, or revoked.
2. Rule 71 of the Rules states that an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties, or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.
3. Rule 72(1) of the Rules states that an Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be

refused, and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.

4. Rule 72(2) of the Rules states that if the application has not been refused under Rule 72(1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under Rule 72(1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations.
5. The Claimant seeks a reconsideration of the Tribunal's decision to strike out an ordinary unfair dismissal claim (s.98 ERA 1996) and her discrimination claims based on the protected characteristic of religion and belief.
6. The basis for reconsideration of the decision to strike out the unfair dismissal claim is the Claimant's assertion that she had not pleaded ordinary unfair dismissal. The claim form was not clear as to whether there was such a claim, and the strike out ensures certainty for the Respondent so that it knows what case it has to defend. I consider that there is no need to do anything further.
7. The basis for the Claimant's application to reconsider the decision in relation to religion and belief discrimination appears to be a repeat of submissions already made. There is nothing in the Claimant's submissions that persuades me that there is any prospect of this decision being varied or revoked.
8. The application for reconsideration is therefore refused.

**Employment Judge Hyams-Parish
2 July 2021**