



EMPLOYMENT TRIBUNALS

Claimant: Mr Mark Hill
Respondent: Uralmoto (UK) Ltd

JUDGMENT ON RECONSIDERATION

The respondent's application dated 13 November 2022 for reconsideration of the judgment sent to the parties on 11 November 2022 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. Whilst lengthy, the application made on 13 November 2022 essentially repeats evidence that was already considered by the Tribunal in coming to its decision. The respondent criticizes the assessment and conclusions reached. The Tribunal considered the evidence before it and reached the conclusions it did, and no compelling reason is provided for revisiting those assessments.
3. The respondent also criticizes the Tribunal for discounting the value of all witness statements of witnesses who did not submit themselves for cross-examination. I explained in the opening session of the final hearing that the Tribunal could put only limited weight on evidence from witnesses who were not attending, and this applied to both the claimant and respondent. It would not be in the interests of justice to reopen the final hearing to hear new evidence now.
4. A similar point can be made in relation to the further evidence advanced in relation to the holiday pay claim. To justify the reception of fresh evidence is necessary to show (1) that the evidence could not have been obtained with reasonable diligence for use at the original hearing; (2) that the evidence is relevant and would probably have had an important influence on the hearing; and (3) that the evidence is apparently credible (*Ladd v Marshall* [1954] 3 All

ER 745, CA). The respondent fails at the first hurdle: no reason has been advanced for why this evidence was not provided sooner. The issue of whether the claimant had taken holiday was plainly in issue. It is not in the interests of justice to admit the new evidence and reopen the decision.

5. This is a case in which the parties and the interests of justice are best served by finality of litigation and, in particular, the confirmation of the Tribunal's judgment. The application for reconsideration is therefore refused.
6. Finally, the respondent has stated in its application that "[t]o now award payment to Mr Hill for his services on motorcycles as if they were 'extra' is illogical". This point is not understood, as no such award has been made.

Employment Judge Abbott

Dated: 15 December 2022