



EMPLOYMENT TRIBUNALS

Claimant: Mr G Lovegrove

Respondent: Bark.com Global Limited

Heard at: London Central Employment Tribunal (by CVP)

On: 1-2 September 2022

Before: Employment Judge Keogh

Representation

Claimant: In person

Respondent: Mr S Liberadski (Counsel)

RECONSIDERATION DECISION

The claimant's application dated 12 September 2022 for reconsideration of the judgment sent to the parties on 2 September 2022 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. The application for reconsideration suggests that an application was made during the course of the hearing for remedy to be postponed on the basis that the respondent could then obtain further evidence in relation to the signing of the Option Agreement. No application was made on that basis.
3. No explanation has been given as to why instructions could not have been taken from Mr Feller before he went on holiday, given that the claimant asserted on 17 August 2022 that he had signed the Option Agreement (some two weeks before the hearing).

4. It was not put to the claimant in cross examination that the claimant had not signed the Option Agreement. On the contrary, it was expressly put to the claimant that:
 - (a) The share option was an important part of his package;
 - (b) He would have read the agreement carefully before he signed;
 - (c) That the letter of grant had been signed in 2019.
5. Further, submissions were made after closing submissions that there was an error in the Deed of Grant for the Option Agreement in that it had been signed by one director only and the claimant's signature had not been witnessed (see paragraph 54 of the Written Reasons). It was not suggested that the Option Agreement had not been signed at all.
6. The position the respondent now wishes to take is therefore directly opposite to the position it took during the course of the hearing.
7. I apologise to the parties for the delay in dealing with this application. This was due to administrative oversight which meant that it has only just been placed before me.

Employment Judge Keogh

Date__19 December 2022

JUDGMENT SENT TO THE PARTIES ON

19/12/2022

FOR THE TRIBUNAL OFFICE