



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr A Sinclair

Metroline Travel Limited

JUDGMENT ON RECONSIDERATION

Rules 70 - 73 of the Employment Tribunal Rules of Procedure 2013

Upon the claimant's application made by email of 27 November 2022 to reconsider the judgment sent to the parties in November 2022 under Rule 71 Employment Tribunal Rules of Procedure 2013 and without a hearing:-

The application to reconsider is refused as there is no reasonable prospect of the judgment being varied or revoked.

REASONS

Introduction

1. The claimant's case for unfair dismissal and disability discrimination was heard by an employment tribunal by CVP on 20 and 21 October 2022 in line with the preliminary hearing in February 2022 where a list of issues had been drawn up and orders made. A reserved judgment was sent to the parties in November 2022. The claims were unsuccessful and, deposits having been paid, these were to be paid to the respondent.
2. The claimant sent an email on 24 November 2022 which appeared to be an application for reconsideration. He then sent another email on 27 November 2022 which stated that the earlier email should be ignored. This second email raised several issues about the judgment. The claimant continues to raise issues about an earlier claim but, as was said to him at the hearing, the tribunal was dealing with the issues as set out in the preliminary hearing summary. The claimant also re-stated his belief that the dismissal was unfair. He repeated concerns he had raised at the hearing about the bundles of documents he provided although he acknowledged that they had been considered.

Rules

3. The relevant employment tribunal rules for this application read as follows:

RECONSIDERATION OF JUDGMENTS

Principles

70. A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision (“the original decision”) may be confirmed, varied or revoked. If it is revoked it may be taken again.

Application

71. Except where it is made in the course of a hearing, 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.

Process

72.—(1) 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.

(2) If the application has not been refused under paragraph (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 paragraph (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.

(3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it; and any reconsideration under paragraph (2) shall be made by the Judge or, as the case may be, the full tribunal which made the original decision. Where that is not practicable, the President, Vice

President or a Regional Employment Judge shall appoint another Employment Judge to deal with the application or, in the case of a decision of a full tribunal, shall either direct that the reconsideration be by such members of the original Tribunal as remain available or reconstitute the Tribunal in whole or in part.

4. In essence, my task is to consider whether the application has been made in time. I did not have, before me, the exact date the judgment was sent to the parties. I decided to treat the application as if it was made in time given that it was made promptly. I should then consider whether a reconsideration is in the interests of justice. Where I consider there is no reasonable prospect of the decision being varied or revoked, under Rule 72, the application shall be refused.

Conclusions

5. The hearing was heard by CVP. It lasted for the two days allocated to it although we had to reserve our judgment. The reconsideration application does not raise issues which would lead me to reconsider the judgment made. The hearing was an effective hearing with documentary and oral evidence. As is recorded in the judgment, the claimant did ask us to consider his bundles of documents and we did so. He asked questions of the respondent's witnesses and addressed the tribunal at the end of the evidence. The tribunal considered that evidence and came to its judgment after careful deliberations.
6. Nothing further said by the claimant in his email indicates that it is in the interests of justice to re-open matters. I must refuse this application as there is no reasonable prospect of the judgment being varied or revoked.

Dated 5 December 2022
Employment Judge Manley
South East ~~West~~ Region

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Judgment sent to the parties on
10/01/2023

NG
For Secretary of the Tribunals