



EMPLOYMENT TRIBUNALS

Claimant: Mr Z Fawell

Respondent: Securitas Security Services Limited UK

JUDGMENT

The Claimant's application dated **14 November 2022** for reconsideration of the judgment sent to the parties on **10 November 2022** is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. The Claimant's application includes further materials which the Claimant explains were not available prior to the hearing as he did not have access to his personal email account until he managed to have the account recovered after the final hearing.
3. The Claimant's reasons for reconsideration appear to be that:
 - 3.1. A preliminary hearing was "unfinished" and as a result of this the Claimant was unable to bring additional claims against the Respondent; and,
 - 3.2. the Claimant did not feel the Respondent acted appropriately during the proceedings.

4. Taking each in turn;

Unfinished preliminary hearing and additional claims

5. The final hearing determined the Claimant's claims of failure to make reasonable adjustments, unfair dismissal, and discrimination arising from disability with the unfavourable treatment complained of being dismissal.

6. The Claimant's application indicates that he wanted to bring further complaints of constructive unfair dismissal, breach of contract, and unlawful deduction from wages.
7. The Claimant did not advance these further claims at the final hearing, and they were not determined at that hearing. The Claimant did not make an application to the Tribunal for a further preliminary hearing to be listed in this matter.
8. The Claimant made an application to amend his claim on 1 October 2021 which did not include an application to add claims of constructive unfair dismissal, wrongful dismissal, breach of contract, or unlawful deduction from wages.
9. With respect to constructive unfair dismissal, the Claimant was not constructively dismissed from his employment, he was dismissed and did not resign. With respect to a claim for unlawful deduction from wages, it is noted the Claimant withdrew his claim for unpaid holiday pay further to the case management hearing dated 1 December 2021.
10. These additional claims were not determined at the final hearing therefore, they cannot be reconsidered under the Employment Tribunals (Constitution of Rules and Procedure) Regulations 2013 (the 'Rules').

The Respondent's behavior during the proceedings

11. The Claimant provides documents relating to the Respondent's actions during the course of the proceedings.
12. The application and further evidence provided with it does not provide information that would have a reasonable prospect of successfully varying or revoking the decisions made on the Claimant's complaints at the final hearing.
13. The remaining issues raised in the reconsideration are;
 - 13.1. The Respondent did not follow company policies;
 - 13.2. Mr Hillier did not take the Claimant's grievance seriously; and,
 - 13.3. The time when the Respondent became aware of the Claimant's disability.
14. These issues were explored at the final hearing and the new documents provided do not include new information which has a reasonable prospect of varying or revoking the decision of the Tribunal regarding these issues. The reconsideration process cannot be used to request a re-hearing and it cannot be used to re-argue matters which were covered at the original hearing because a party is unhappy with the outcome as, without more, that does not meet the threshold of demonstrating a reasonable prospect of success in the original decision being varied or revoked
15. In summary, the Claimant's application and the further material provided with it does not provide information that demonstrates a reasonable prospect of varying or revoking the original decision relating to the Claimant's complaints of failure to make reasonable adjustments, discrimination arising from his disability, and unfair dismissal.
16. Therefore, the Claimant's application for reconsideration is refused in accordance with Rule 72(1) of Schedule 1 of the Employment Tribunals (Constitution of Rules and Procedure) Regulations 2013.

Employment Judge **Newburn**

Date: 28 December 2022