



EMPLOYMENT TRIBUNALS

Claimant: Mr T Duncan

Respondent: Clearance and Clean Up Ltd

Heard at: Leeds **On:** 3 February 2023

Before: Employment Judge Shepherd

Appearances

For the Claimant: In person

For the Respondent: Mr Bourke HR Consultant

JUDGMENT ON RECONSIDERATION APPLICATION

The respondent's application for reconsideration of the liability judgment written reasons for which were sent to the parties on 29 December 2022 is refused.

REASONS

1. The judgment on liability was sent to the parties on 28 November 2022. The respondent requested written reasons on 6 December 2022. These were provided on 29 December 2022.
2. The remedy hearing was listed for 3 February 2023.
3. On the morning of the remedy hearing Mr Bourke, the respondent's representative made an application for reconsideration of the liability judgment on the basis that he said he had not seen some documents within the remedy bundle which had been provided by the claimant on 20 December 2022.
4. The documents were within the bundle on the Tribunal file at the liability hearing. They related to the receipt of benefits after the dismissal.

5. Under rule 71 of the Employment Tribunal's (Constitution and Rules of Procedure) Regulations 2013 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 set out why reconsideration of the original decision is necessary.
6. The application states that the respondent's representative appreciates that the application is outside the 14 days usually reserved for this but states he believes that the request would come under being in the interests of natural justice.
7. No basis for extending time was provided. The so-called 'new information' had been provided to the respondent's representative on 20 December 2022, well inside the time for submitting an application for reconsideration.
8. The application for reconsideration should been submitted by 11 January 2023. It is not in the interests of justice to extend time for reconsideration.

Employment Judge Shepherd

Date: 3 February 2023