



EMPLOYMENT TRIBUNALS

Claimant: Ms F Hagi

Respondent: Royal Mail Group Limited

JUDGMENT

The Claimant's application dated 20 February 2023 for reconsideration of the judgment sent to the parties on 17 January 2023 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. The Claimant applied for and was granted an extension of time to make a reconsideration application until 20 February 2020 which she duly did.
2. The application is a lengthy document that runs to 40 pages. There are also a large number of documents attached to it. The application consists largely of comments from the Claimant on the paragraphs of the judgment saying whether she agrees or disagrees with the Tribunal Panel's findings of fact or conclusions. Unsurprisingly, where we have not adopted the version of events the Claimant wished us to adopt, but have preferred the evidence of the Respondent's witnesses, the Claimant she says that she disagrees with our findings.
3. In the introduction to the Claimant's document, and at various points throughout it, she says that there was missing evidence from the bundle, which had it been before the panel, would have led us to reach a different conclusion. Having reviewed her comments carefully and what she says was missing, I do not agree. I explain the reason why I take this view below in relation to each of the specific items she relies upon. Having considered each of them, my decision is that the Claimant's application for reconsideration contains no grounds to lead me to believe that it is in the interests of justice to reconsider the original judgment.
4. The first 'missing' evidence was said to be the Claimant's complaint of 2019. The Claimant did not highlight that this was missing from the bundle during

the hearing or say that it was necessary for the Tribunal Panel to be provided with a copy.

5. The Tribunal's understanding was that the fact that the Claimant made a complaint in 2019 was part of the contextual background to the issues considered in the case, but was not specifically relevant to any of the matters the Tribunal had to decide. Having now seen a copy of the correspondence that constituted this complaint, I consider that understanding was correct and that it makes no difference to the outcomes.
6. The second set of 'missing' evidence were said to be the Claimant's marked-up versions of interview notes of various people. During the investigation of her complaints, the Claimant was given an opportunity to comment on the notes of interviews conducted by the people investigating her complaints. Not all of these had been included in the bundle. The Claimant was permitted to add the ones that she located during the course of the hearing to the bundle. She did not seek a postponement of the final hearing in order to resolve this issue, but was consent proceed.
7. We do not consider that seeing the interview notes would have made any difference to our outcomes. The Claimant was able to challenge the actions taken by and the conclusions reached of all of the people who investigated her complaints, except Ms Parkins, through cross-examining them.
8. In relation to the specific issue of Mr Ellahi's evidence, our findings of fact were based on the version of events Mr Ellahi wanted Mr Bal to treat as his evidence and not the version Mr Bal considered.
9. The third set of 'missing' evidence were said to be the scanner records. The Claimant applied for these to be disclosed during the course of the hearing, but we did not grant her request. I continued to be of the view that seeing these documents would not make any difference to the outcomes the panel reached. Even if the documents supported the contentions made by the Claimant that she did a greater volume of work than full timers and that she was working in the same location as Ms Mumbala on 2 May 2020, these facts would have changed the decisions we reached on the claims we considered.
10. The fourth set of 'missing' evidence were lie-detector tests. In her application for reconsideration the Claimant urges the Tribunal Panel not to make findings of fact on the balance of probabilities, but to order lie detector tests instead. This is not part of the employment tribunal process.
11. The fifth set of 'missing' evidence was the CCTV footage. No CCTV footage was before us at all. As we confirmed to the Claimant during the hearing, we could not order the Respondent to disclose material that was no longer in its possession. We had to make our decisions on the basis of what the witnesses told us. We assessed that evidence accordingly and reached the conclusions we reached. In relation to some disputed matters, we preferred the Claimant's evidence.
12. The sixth set of 'missing' evidence was said to be documents created after the hearing was conducted that dealt with the Respondents recent referral

of the Claimant to Occupational Health. These documents had not been created at the time of the hearing, but in any event seeing them makes no difference to the outcome.

13. The final set of missing evidence is said to be the witness evidence of Mr Salim Koheeeallee and Mr Richard Attoe. These individuals were not called by the Respondent to give evidence. The Claimant was aware of this at the start of the hearing, but made no application for witness orders to compel their attendance.

Employment Judge E Burns
8 March 2023

JUDGMENT SENT TO THE PARTIES ON

09/03/2023

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FOR THE TRIBUNAL OFFICE