



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss B P Alam

**Respondent:** Ms E Boer

## JUDGMENT

The Claimant's application, dated 6 March 2023, for reconsideration of the Judgment, sent to the parties on 21 February 2023, is refused.

## REASONS

1. The Claimant's document attached to an email of 6 March 2023, set out her applications for reconsideration of a Judgment in this case, sent to the parties on 21 February 2023 ("Judgment"), following a preliminary hearing on 20 February 2023.
2. The Claimant had also requested written reasons for that Judgment which have been provided separately. I did not consider that the subsequently provided reasons materially impacted on the Claimant's reconsideration application and therefore proceeded to consider it.

### Issues and Law

3. Rule 70 of the Employment Tribunals Rules of Procedure ("Rules") provides that reconsideration of a judgment will take place where the Employment Judge considers that it is necessary in the interests of justice to do so.
4. Rule 1(1) provides that a "judgment" is, "*a decision, made at any stage of the proceedings..., which finally determines –*
  - (i) *a claim, or part of a claim, as regards liability, remedy or costs...;*
  - (ii) *any issue which is capable of finally disposing of any claim, or part of a claim, even if it does not necessarily do so (for example, an issue whether a claim should be struck out or a jurisdictional issue);...*"

5. Rule 71 provides that applications for reconsiderations of judgments should be presented in writing within 14 days of the date on which the written record was sent to the parties, or within 14 days of the date that the written reasons were sent (if later), and should explain why reconsideration is necessary. The Claimant's application satisfied those requirements.
6. Rule 72(1) notes that an Employment Judge shall consider any application for reconsideration made under rule 71, and that if the Judge considers that there is no reasonable prospect of the original decision being varied or revoked then the application shall be refused and the Tribunal shall inform the parties of the refusal. Alternatively, rule 72 sets out the process that is then to be followed for further consideration of the application.
7. Rule 72(3) provides that, where practicable, the consideration under Rule 72(1) shall be by the Employment Judge who made the original decision.

#### The Application

8. The Claimant's reconsideration application related to my decision that her claim had been brought out of time and that it would not be just and equitable to extend time to enable it to be accepted. The Judgment therefore had the effect of ending the Claimant's claim. In her reconsideration application, the Claimant outlined several points, which appeared to fall into three broad areas, which I summarise as follows:
  - a. The essentials of her claim were not discussed.
  - b. The Claimant was only asked questions about her health relating to the period following the submission of her claim.
  - c. The Claimant had additional medical evidence which I did not allow her to submit.

#### Conclusions

9. With regard to the three broad areas of the Claimant's application, my conclusions were as follows.
10. The essentials of the Claimant's claim were set out in her claim form and had been summarised by Employment Judge Ryan at an earlier preliminary hearing on 27 October 2022, at which he had directed that a preliminary hearing should be held to consider the time limit issue. There was therefore no need to explore the factual background to the claims, other than to note that the core allegation arose from an oral conversation in August 2021.
11. The Claimant is incorrect in saying that she was only asked questions about her health in the period following the submission of her claim. My focus was on the period following her dismissal in September 2021 to the submission of the claim form in May 2022, and I explored that period with her in particular. The Claimant did provide information relating to later periods, which I did not consider had any bearing on the issue I had to address.

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12. I explored the Claimant's health and medical treatment with her and was satisfied that I could accept what she told me. I do not consider that any additional medical evidence would have been likely to have assisted me. However, it was for the Claimant to submit medical evidence in support of her position if she wished, and she had not done so.
13. Overall, I did not consider that there was any reasonable prospect of the original decision being varied or revoked. I therefore refused the application.

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Employment Judge S Jenkins  
Date: 10 March 2023

JUDGMENT SENT TO THE PARTIES ON 13 March 2023

FOR THE TRIBUNAL OFFICE Mr N Roche