



EMPLOYMENT TRIBUNALS

Claimant: Dr C Johnson (registered as Dr I Ivanov)

Respondent: Aintree University Hospitals NHS Foundation Trust

JUDGMENT

The claimant's application dated 10 March 2023 for reconsideration of the judgment sent to the parties on 3 March 2023 is refused.

REASONS

1. I made a Judgment striking out Dr Johnson's claim which was sent to the parties with full written reasons on 3 March 2023. Broadly, the claim was struck out after Dr Johnson unsuccessfully applied for a postponement of the final hearing and failed to provide satisfactory medical evidence as to why he had been unable to participate. Further details are set out in my Judgment on the postponement application and my Judgment striking out the claim.
2. On the same day that the Judgment was sent out, Dr Johnson replied by email, failing to copy the respondent, saying that he wanted to appeal against the decision. On my direction a reply was sent informing him that any appeal would lie to the Employment Appeal Tribunal which has its own procedures, but that he could apply for a reconsideration of the decision. Any application for reconsideration would have to comply with Rule 71 Employment Tribunal Rules of Procedure 2013, including that it would have to be copied to the respondent. (Dr Johnson has a history in these proceedings of omitting, or refusing, to copy correspondence to the respondent).
3. On 10 March 2023 Dr Johnson wrote the Tribunal in the following terms:

"I'm applying regarding above case decision to be reconsidered, as it violates laws, rules and regulations. Best regards Dr Clive Johnson."

This application is compliant with Rule 71 in the sense that it was made within the 14-day time limit and was, on this occasion, copied to the respondent. It is questionable whether the sweeping and generalised

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allegation is contains complies with the requirement to “set out why reconsideration of the original decision is necessary”.

4. In any event, Rule 72(1) of the 2013 empowers me to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.
5. Dr Johnson has provided no basis at all on which the decision should be varied or revoked. If the decision is, indeed, in violation of any laws, rules or regulations he has failed to identify them or explain what the violation is said to be. The fact that a decision has gone against Dr Johnson and he does not like that is not a valid ground for reconsideration.
6. In those circumstances, I refuse the application.

Employment Judge Dunlop

DATE 19 April 2023

JUDGMENT AND REASONS SENT TO THE PARTIES ON

20 April 2023

FOR THE TRIBUNAL OFFICE