



EMPLOYMENT TRIBUNALS

Claimant: Mr A Fullbrook
Respondent: G4S Secure Solutions (UK) Limited

JUDGMENT

The claimant's applications dated 12 January 2023 for reconsideration of the judgment sent to the parties on 3 January 2023 is refused.

REASONS

1. This matter was listed for hearing on 14 October 2022 before Employment Judge Smith. It did not go ahead as a final hearing, but instead as a case management hearing where certain case management orders were made, including to set out the basis of his claim by no later than 28 October 2022.
2. On 4 November 2022 the respondent applied to strike out the claim on the basis of non-compliance with the above order.
3. On 13 December 2022 the claimant's representative, Mr Frost, emailed the tribunal to indicate that the "*claim is withdrawn due to bias (sic) shown by judge at preliminary hearing on 14/10/22*".
4. Although he had indicated the case number in the body of the email, Mr Frost had not quoted it in the subject line of the email, and the respondent's representative emailed the tribunal on 14 December 2022 to draw attention to this. The tribunal emailed the parties later that day to indicate that a hearing listed for the following day would be vacated and a Dismissal Judgment would follow in due course. Later that day the tribunal emailed the parties to ask the claimant to confirm whether he was also withdrawing two further claims he had made to the tribunal.
5. Later on 14 December 2022 Mr Frost emailed the tribunal to confirm "*above claim 2300422-2021 is withdrawn and only this claim*".
6. On 6 January 2023 the parties were emailed a Judgment dismissing the claim under Rule 52 Employment Tribunal Rule 2013, it having been withdrawn.

Case No: 2300422/2021

7. On 12 January 2023 Mr Frost wrote to the tribunal a letter headed "Reconsideration application re: Your 6/1/23 correspondence". I have treated this letter at face value as an application for a reconsideration of the 3 January 2023 Judgment.

8. In his letter of 12 January 2023 Mr Frost set out a number of difficulties and irregularities he alleged about the hearing of 14 October 2023. He indicated that he told the judge that he would be appealing to the EAT and the Secretary of State because of the way the claimant and he had been treated and would "withdraw the claim, prior to presenting to a Civil Court". He alleged the judge had been biased.

9. I consider that there is no reasonable prospect of the Judgment of 3 January 2023 being varied or revoked because:

- a. On Mr Frost's case he indicated he would be withdrawing the claim at the hearing itself, and he repeated this in writing on 13 and 14 December 2022.
- b. The tribunal's legal officer issued a Rule 52 judgment on the claimant's representative unequivocal and repeated indication of the claim being withdrawn.
- c. No basis on which the judgment should be varied or revoked is offered by the claimant. The alleged bias of the judge appears to be the reason for the withdrawal in the first place, and it is hard to see how this could serve as the reason to set aside the judgment that inevitably flowed from the withdrawal

10. In all the circumstances the application for reconsideration is refused.

Employment Judge **Heath**

Date: 17 April 2023