



EMPLOYMENT TRIBUNALS

Claimant: Mr C Hagan

Respondent: Sky Retail Stores Limited

JUDGMENT

The claimant's application dated **5 March 2023** for reconsideration of the judgment sent to the parties on **20 February 2023** is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because the claimant has not provided any information which would indicate the need for reconsideration.

In considering this application, I accept the claimant's confirmation, given on 20 March 2023, that he copied his reconsideration application to the respondent when it was made by email on 5 March 2023.

The information provided in relation to the reported incident with the claimant's mobile phone number was available at the time of the liability and remedy hearings. That reported incident is said to have happened after the claimant was dismissed by the respondent, and had no link to his unfair dismissal by the respondent. It is not therefore is not relevant to remedy in this case.

The allegation that the respondent breached its own policy in terms of how the prospective customer had the claimant's personal mobile number is not relevant to the question of remedy in this case.

The figures provided by the respondent in its counter schedule of loss prior to the remedy hearing are not determinative in terms of any remedy awarded by the Tribunal. The compensatory part of the remedy was not awarded in this case, therefore the figures proposed by the respondent do not need to be considered. Only a basic award was made.

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The application with regard to the respondent's share save scheme similarly has no reasonable prospect of success. The matter was raised by the claimant during the remedy hearing, but with no supporting evidence (written reasons paragraph 24). The finding in this case was that the claimant did not suffer any loss under Section 123 Employment Rights Act 1996 in consequence of the dismissal in so far as that loss is attributable to the action taken by the employer. The finding was that the claimant in fact was paid for longer than he would have been if the dismissal had been fair (written reasons paragraphs 25 and 26). The written reasons paragraphs 50 to 52 set out why no compensatory award was made in this case.

The matter of references is not within the Tribunal's jurisdiction.

Employment Judge **Swaffer**

Date 28 March 2023