



EMPLOYMENT TRIBUNALS

Claimant: Mr M Blenkinsop

Respondent: ASDA Stores Ltd

RECONSIDERATION JUDGMENT

1. The claimant's email dated 18 April 2023 has been treated as an application for reconsideration of the judgment sent to the parties on 18 April 2023.
2. The application fails. The original judgment of the Tribunal is confirmed.

REASONS

1. In a judgment dated 14 April 2023 and sent to the parties on 18 April 2023 the Tribunal:
 - a. Amended the name of the respondent by consent;
 - b. Dismissed the whistleblowing detriment claim on withdrawal;
 - c. Held that it does not have jurisdiction to hear the breach of contract claim as the claimant is still employed;
 - d. Refused the claimant's applications to amend his whistleblowing claim and for an anonymisation order; and
 - e. Struck out the discrimination claims on the ground that they are out of time and there are no reasonable prospects of the claimant persuading the Tribunal to extend time.
2. On 18 April 2023 the claimant wrote to the Tribunal saying that he wishes to "*appeal this decision as I believe mistakes have been made/overlooked and unfairly based towards the respondent*".
3. The claimant has been provided separately with information about how to appeal a decision of the Employment Tribunal. In addition, I have treated his email as an application for reconsideration of the judgment.

4. Rule 70 of Schedule 1 to the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 ("**the Rules**") provides that a Tribunal may reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the original judgment may be confirmed, varied or revoked.
5. Rule 71 provides that applications for reconsideration shall be made either in the hearing itself or, in writing, within 14 days of the date on which the judgment is sent to the parties. Rule 72 contains the process that must be followed when an application for reconsideration is made. The first stage is for the Employment Judge to consider the application and decide whether there are reasonable prospects of the judgment being varied or revoked. If the Employment Judge considers that there are no reasonable prospects of the judgment being varied or revoked then the application for reconsideration shall be refused.
6. Having considered the claimant's two emails of 18 April 2023 there is in my view no reasonable prospects of the judgment being varied or revoked. The emails in summary contain an attempt to re-argue a point that was considered at the Preliminary Hearing on 14 April, and an allegation of discrimination. These are matters which are better addressed by way of appeal.
7. The application for reconsideration is therefore refused.

15 May 2023

Employment Judge Ayre
