



EMPLOYMENT TRIBUNALS

Claimant

Mr C Lamb

v

Respondent

Teva UK Limited

Employment Judge JM Wade in chambers on 2 June 2023

JUDGMENT

The claimant's applications dated 25, 27 and 28 May 2023 to re-consider the Judgment of the Tribunal on 25 May 2023 (and to be sent to the parties with this Judgment) if not already sent, is refused.

REASONS

1. The Tribunal gave its unanimous judgment to the parties between 12 noon and 12.40 on 25 May 2023, having heard evidence and final points over 22 to 24 May 2023 in a video link hearing.
2. There is no recording of the hearing, other than the part when the judgment was announced on 25 May, with reasons, and that has not yet been requested to be typed.
3. I signed my judgment on the afternoon of 25 May, having explained to the parties that I would do so, and that it would be in short form and sent to the parties in due course; I further explained that written reasons would be provided if requested, but that any request must be copied to the other side. I appreciate that at the end of a long and tiring hearing, the claimant may not have taken in this detail, nor the reasons for his claims of unfair dismissal and sexual orientation discrimination failing.
4. At 1pm on 25 May he emailed the Tribunal from his I phone asking for information on how to appeal; at 13.27 he sent from his I phone an email referring to an email attachment – letter for appeal, to which he said the respondent was copied (albeit that was not apparent in the email heading). That letter commented that with all the solid evidence and questions asked by the claimant and the Employment Judge, he failed to see how the decision has been taken; he further said that the Judge had taken the solicitors side; commented on solicitors being paid to make out it is your fault; and he said a mistake had been made and asked for reconsideration and some sort of award.
5. At 22.20 he said:

"I would also like to add the following points

During my case over the last 4 day's employment judge wade has said a lot of questions to the respondent, including the other 2 members all there answers back

from the respondent have been stuttering or have not been clear. Over the last 2 days it look positive for me and suddenly has gone in the employers favour.

Judge Wade made the following on several occasions

"It's quite clear the dismissal was pre-determined "

Also judge Wade said because I haven't a solicitor or representative has not helped the case , in my understanding I've lost it the case because of this , I thought tribunal was there to help?

So for me she knew the company was in the wrong .

If this is not considered again the next steps will be the tribunal appeal

Regards Craig

6. The 22.20 email forwarded with it an email of 15.47 the same day from his I phone which contained further attachments – six documents which were repetitions of (or in the case of the OBI document) very similar to, the material before the Tribunal which he believed to be in his favour.
7. He then sent on 28 May at 9.42 an email that his partner had sent to the Leeds Tribunal on 10 November 2022 and to the respondent's solicitor, saying, "his solicitor and my friends who works in employment law has looked over this case and they can't see no reason why he's been sacked with instant dismissal after 12 years with a clear record".
8. These communications were referred to me on 31 May and I have today been able to set aside time to review them.
9. It is clear from these communications that the claimant has not taken in the reasons that his claims were dismissed by the Tribunal of three, unanimously; and it is clear that the Judgment has not yet been sent. I also asked our clerk to check with the respondent's solicitors by telephone whether his communications had been copied to them and I then directed that they be so copied in accordance with Rule 92.
10. The simple position in relation to the claimant's reconsideration applications, as described above; is that they are without merit and have been made before the written Judgment has been sent. Nor has the claimant requested, or received, written reasons.
11. Those that love him and support him will no doubt continue to do so, and continue to believe he has been wronged, but that is to be expected, having only heard and seen a partial picture.
12. Yes, the Tribunal asked appropriate questions as part of its duty to put the parties on an equal footing, and to enable it to make its findings. In doing so, I may well have said, in the context of ensuring that a litigant in person's case was put - the claimant's case is that "it's quite clear the dismissal was pre-determined". That was his case, and the respondent's witnesses were properly to have the opportunity to comment on that. Having heard all the evidence, the Tribunal made a unanimous finding that it was not so.
13. In the round, there is no new evidence in the material provided by the claimant which would affect the unanimous decision of an industrial jury. The attachments largely duplicate the evidence which was before us and we made comprehensive findings about that evidence. The email from the claimant's partner in November

2022 simply sets out the views of others on the case and does not take things any further.

14. In all these circumstances, my assessment, as required by the Tribunal's Rule 72(1), is that there are no reasonable prospects that the points made in the claimant's emails, since the decision was announced but before the Judgment has been sent, would lead to the judgment being revoked or varied.

2 June 2023

Employment Judge JM Wade