



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Moules

**Respondent:** Churchill Knight Umbrella Ltd

## SECOND RECONSIDERATION JUDGMENT

The claimant's application dated **21 May 2023** for reconsideration of the reconsideration judgment, sent to the parties on **14 May 2023** is refused as it has no reasonable prospects of success.

### REASONS

1. In the first reconsideration judgment, I set out the rules and principles application to reconsideration.
2. The Claimant submitted an email dated **21 May 2023**, which is within the relevant time limit, seeking reconsideration of the first reconsideration judgment.
3. The application contains several examples of foul language. Had the application otherwise had merit, I might have had to give consideration to whether or not this amounted to scandalous, unreasonable or vexatious conduct. In the circumstances, it is more proportionate for me to simply ignore this fact, but that should not be taken as an indication that I think it is acceptable for communications of this type to be sent to tribunal staff, and the Respondent, whether intended ultimately for my attention or otherwise. I note that he asserts that such a course of action would be wrong. The arguments he makes would be taken into account before making a strike out decision, but I am not going to comment on them for present purposes.
4. Nothing in the Claimant's email causes me to think that there is any reasonable prospect that I would decide that the "Tax Year Issue" was in the jurisdiction of the tribunal.
5. The fact that the Claimant does not own a smartphone and cannot (therefore) use any smartphone app created by the Respondent is not relevant to any of the decisions which I made, for the reasons mentioned in (for example) paragraph 135.2 of the original decision.
6. Evidence of negotiations (either directly or via ACAS) are inadmissible as

they are “without prejudice” unless an exception applies. In any event, if the Claimant wished to argue for the admissibility of any such documents, he should have raised that at, or before, the original hearing.

7. For the reasons stated above, having considered the Claimant’s application, I am satisfied that there is no reasonable prospect of the original decisions being varied or revoked, and the application is refused.

## **Employment Judge Quill**

Date: 21 June 2023

JUDGMENT SENT TO THE PARTIES ON

26 June 2023

GDJ  
FOR THE TRIBUNAL OFFICE