



EMPLOYMENT TRIBUNALS

Claimant: B VADERA

Respondent: UNITED BISCUITS (UK) LTD T/A PLADIS

JUDGMENT ON RECONSIDERATION

Rules 70 – 73 of the Employment Tribunal Rules of Procedure 2013

On the Claimant's application dated 28 June 2023 for reconsideration of the judgment sent to the parties on 15 April 2023 (with reasons provided in June 2023) under Rule 71 of the Employment Tribunal Rules of Procedure 2013 and without a hearing:

The application to reconsider is refused as there is no reasonable prospect of the judgment being varied or revoked.

REASONS

Background

1. The Claimant's claims for breach of contract, damages (including for stress), costs, an explanation for why the Respondent had failed to correct its National Insurance calculation and a fine for wrongdoing were heard by CVP on 29 March 2023.
2. The Tribunal awarded the Claimant £300 in respect of the time that he had spent on this matter. The other aspects of the Claimant's claims were unsuccessful.
3. The Claimant sent an email to the Tribunal (copied to the Respondent) on 28 June 2023 asking the Tribunal to reconsider its judgment. He also attached a document called "Setting the Record Straight" that, according to the Claimant, was emailed to the Tribunal on 26 August 2022, but which the Claimant says the Tribunal did not seem to have before it at the 29 March 2023 hearing.
4. In his request to reconsider the judgment, the Claimant states that he feels the

Tribunal made a mistake in the case, perhaps as a result of the “...*poor online connection from the Tribunal’s side during the Hearing*”. The Claimant expresses his frustration and states that the judgment appears to be unjustly biased in favour of the Respondent.

5. The Claimant goes on to state that the Respondent still owes him £2.78. The Claimant makes various claims about the conduct of the Respondent. He complains of being awarded “*a measly sum*” of £300, when it should be in excess of £1,000 (albeit he does not specify how much he is now claiming. He notes that the Tribunal did not award any amount in relation to his claims about stress because, amongst other matters, the Tribunal had seen no cogent evidence to support the claim. The Claimant states that he cannot see what other evidence he could provide beyond his own explanations in this regard. Finally, he considers that costs should be awarded against the Respondent “...*because they still owe me £2.78 and I have clearly shown that the Respondent has been inept, negligent and obstructive throughout this whole process and have failed to respond in a timely and professional manner*”.

Rules

6. The relevant rules from the Employment Tribunal Rules of Procedure 2013 are as follows:

RECONSIDERATION OF JUDGMENTS

Principles

70. A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision (“the original decision”) may be confirmed, varied or revoked. If it is revoked it may be taken again.

Application

71. Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

Process

72.— (1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge’s provisional views on the

application.

(2) If the application has not been refused under paragraph (1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations.

(3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it; and any reconsideration under paragraph (2) shall be made by the Judge or, as the case may be, the full tribunal which made the original decision. Where that is not practicable, the President, Vice President or a Regional Employment Judge shall appoint another Employment Judge to deal with the application or, in the case of a decision of a full tribunal, shall either direct that the reconsideration be by such members of the original Tribunal as remain available or reconstitute the Tribunal in whole or in part.

7. In essence, my first task is to consider whether the application has been made in time. I did not have, before me, the exact date the judgment was sent to the parties. I decided to treat the application as if it was made in time given that it was made promptly. I should then consider whether a reconsideration is in the interests of justice. Where I consider there is no reasonable prospect of the decision being varied or revoked, under Rule 72 of the Employment Tribunal Rules of Procedure 2013, the application shall be refused.

Conclusions

8. The hearing on 29 March 2023 was heard by CVP. Although there were some technical difficulties, I do not consider that they impacted the ability of the parties to put their cases forward or the Tribunal's understanding of the matters before it. The hearing was an effective hearing with proper consideration of the evidence put before the Tribunal. The Tribunal considered the documents that were put before it and listened to the oral submissions made by both parties. The Tribunal considered all of the evidence and came to a judgment after careful deliberation.
9. The reconsideration application does not raise issues that would lead me to reconsider the judgment made. The document that the Claimant refers to in his reconsideration application "Setting the record straight – Claimant's reply to Respondent's response of 19th August 2022" dated 26 August 2022 is a response to the Claimant's Defence to Claim. It does not appear to have been part of the copious materials put before the Tribunal at the 29 March 2023 hearing, whether as part of the agreed bundle or otherwise. I have, nonetheless, reviewed it carefully and its content does not alter my conclusion with respect to the reconsideration application.
10. Nothing further said by the Claimant, whether in the Claimant's 26 August 2022 document or otherwise, indicates that it is in the interests of justice to re-open matters. I must refuse this application as there is no reasonable prospect of the judgment being varied or revoked.

Employment Judge Din

Date 24 July 2023

JUDGMENT SENT TO THE PARTIES ON

25 July 2023

GDJ
FOR THE TRIBUNAL OFFICE