



EMPLOYMENT TRIBUNALS

Claimant: Mr Bucur

Respondent: The Soho Sandwich Company Limited

JUDGMENT

1. The Claimant's application dated 13 June 2023 for reconsideration of the Employment Tribunal's Final Judgement dated 8 June 2023 is refused.

REASONS

2. The claimant made an application on 13 June 2023 for the reconsideration of the Final Judgement dated 8 June 2023 dismissing all of his claims. This application was sent to Judge Bartlett 21 June 2023
3. Rule 70 to 73 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 Schedule 1 as amended set out the procedure and issues that must be considered when deciding applications for reconsideration.
4. The grounds of reconsideration can be summarised as:
 - 4.1. The claimant claims that under the Working Time Regulations 13(A)(7) a relevant agreement may provide for any leave a worker is entitled to be carried forward into the leave year immediately following the leave year in respect of which it is due
 - 4.2. The claimant claims that the Statement of Main terms is a relevant agreement for the purposes of the WTR and the respondent has a take it or lose it policy for EU-derived holiday but that this is not applied to the additional statutory holiday governed by Reg13(1) of the WTR and that the Bright HR Annual Leave summaries clearly show the claimant is entitled to carryover his holiday entitlement.
5. I consider that there is no reasonable prospect of the original decision being varied or revoked and I have refused the application in accordance with rule 71 and rule 72.

6. I consider that there was no reasonable prospect of the original decision being varied or revoked because the grounds of reconsideration raise arguments that were not presented at the original hearing. No argument was made by the claimant that his terms and conditions provided for carry over of holiday. The reconsideration refers to numerous sections of various documents. These arguments were not made at the hearing. Submissions were not heard on the interpretation of the clauses in the various documents. Further, the contract of employment contains no clause about holiday carryover and I did not hear any argument about the clauses in the handbook at the hearing.
7. For these reasons the application is refused.

Employment Judge **Bartlett**

Date 21 July 2023

JUDGMENT SENT TO THE PARTIES ON
2 August 2023

.....

.....
FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

The claimant's husband and Dr a