



EMPLOYMENT TRIBUNALS

Claimant: Mr G Hoole

Respondent: Finning (UK) Limited

JUDGMENT ON A RECONSIDERATION

The Claimant's application for a reconsideration is refused because there is no reasonable prospect of the decision being varied or revoked.

REASONS

Background

1. This case was heard on 23 April 2023 and my reserved judgment was sent to the parties on 23 June 2023. I found that the decision to dismiss the Claimant was fair and his claim failed.

The reconsideration application

2. The Claimant presented his application for a reconsideration on 7 July 2023, submitting that in essence he wants to '*clear my name and restore my work reputation*'. He provided a comprehensive analysis of the documents in the bundle to demonstrate why, in his view, his claim should have succeeded.

The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the Rules")

3. The Rules provide:

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.....’

4. Broadly, it is not in the interests of justice to allow a party to reopen matters heard and decided, unless there are special circumstances, such as a procedural irregularity depriving a party of a chance to put their case or where new evidence comes to light that could not reasonably have been brought to the original hearing and which could have a material bearing on the outcome. It is not sufficient for the Claimant to apply for a reconsideration simply because he disagrees with the decision.

Conclusion

5. The Claimant refers me to documents and witness evidence which were considered at the final hearing and during my deliberations. He has not produced any new evidence. Accordingly, his application is simply an attempt to re-argue matters already heard. He does not make any submission that persuades me that the interests of justice require my original decision to be reconsidered.
6. Accordingly, I am satisfied that there is no reasonable prospect of the original decision being varied or revoked and it is not in the interests of justice to reconsider it. The application is, therefore, refused.
7. It might be of help to the Claimant by way of reminder that I did not find him guilty of gross misconduct. Rather, I found that the decision to dismiss him fell

within the band of reasonable responses open to a reasonable employer.

Employment Judge Victoria Butler

Date: 28 July 2023

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