



EMPLOYMENT TRIBUNALS

Claimant: Mr B. Gutierrez

Respondent: London General Transport Services Limited

JUDGMENT

The claimant's application dated 11 April 2023 for reconsideration of the costs judgment dated 28 March 2023 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked, because the arguments put forward in support of reconsideration by the claimant were either taken into consideration in determining the claim, or alternatively, could have been raised by the claimant when given an opportunity to provide supporting written/documentary evidence ahead of the determination of the costs application on the papers, and no explanation has been provided as to why they were not.
2. In particular:
 - 2.1 The Claimant's reconsideration application does not address the primary reason for my conclusion that his conduct was unreasonable, namely his failure to respond to communications from the Respondent or the Tribunal at all during the period from May 2021 to April 2022.
 - 2.2 The information provided about the Claimant's means was available and thus could and should have been provided prior to the original decision, and does not in any event address the point that the Claimant continues to have earning capacity meaning his income may increase in future.

Employment Judge Beale

Date: 20 April 2023