



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms F MacDonald

**Respondent:** Alpha Property Management and Services Ltd

## SECOND RECONSIDERATION JUDGMENT

The Respondent's application dated **18 August 2023** for reconsideration of the (first) reconsideration judgment, sent to the parties on **4 August 2023** is refused as it has no reasonable prospects of success.

## REASONS

1. I referred to the relevant rules and principles in the first reconsideration judgment:
2. Paragraphs 4 and 5 of the application correctly points out an error in the earlier reasons. It is correct that the word "Maintenance" was in the ACAS certificate (as part of the respondent's name). That error is minor and is no reason for the claim to have been rejected, or for any of the other reasoning in my earlier decisions to be amended.
3. The application appears to say that it is not (and nor was the earlier application) seeking reconsideration on the preliminary issue. While that is noted, it is not a reason to revoke or vary the first reconsideration decision.
4. To the extent that the points in paragraph 6 are said to be reasons for reconsideration of any prior decision, I disagree. Mr Khan chose not to attend the hearing because (if what has been stated on his behalf is true) he thought there was a tactical advantage by not doing so. He thought that the Claimant and the Tribunal would be wasting their time with the hearing, because any judgment issued would not affect him. He was wrong about that. The fact that he believes that a lawyer had told him it was a good tactic is not a reason to change the decisions that were made at the hearing.
5. For the reasons stated above, having considered the Respondent's application, I am satisfied that there is no reasonable prospect of the original decision being varied or revoked, and the application is refused.
6. I have, in any event, issued case management orders in relation to the

Claimant's application to amend the claim (by adding a new respondent). Although that has not affected my decision above, it potentially renders the point moot, for the reasons stated in those orders.

**Employment Judge Quill**

Date: 15 September 2023

JUDGMENT SENT TO THE PARTIES ON  
22 September 2023

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FOR THE TRIBUNAL OFFICE