



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr N Carter

v

Vodafone Group Services Ltd

Alleges that I reached the wrong conclusion on the facts JUDGMENT ON AN APPLICATION FOR RECONSIDERATION OF A JUDGMENT UNDER RULE 71 OF THE EMPLOYMENT TRIBUNAL RULES OF PROCEDURE 2013

1. The claimant has applied for a reconsideration of the judgment of 1 September 2023 under r.71 of the Employment Tribunal Rules of Procedure 2013. Having considered the application under r.72(1) the employment judge considers that there is no reasonable prospect of the judgment being varied or revoked on those grounds. The application for a reconsideration is rejected.
2. The procedure for an application for a reconsideration is set out in rule 72 of the Rules of Procedure 2013. It is a two stage process. If the employment judge who made the judgement considers that there is no reasonable prospect of the original decision being varied or revoked the application shall be refused under rule 72(1). Otherwise the original decision shall be reconsidered by the employment judge who made the original decision.
3. The claimant applied for a reconsideration by letter dated 15 September 2023 which was sent to the tribunal on three occasions: on 15 September 2023 (v1) at 08.19; on 15 September (v2) at 22.27 which he stated should replace version 1 and on 29 September 2023 (v3). In the covering email for version 3 he stated that it corrects a minor spelling error and if it could not be accepted then I should use the previously submitted version (version 2). I do so – if the difference between version 2 and that which was submitted out of time is merely a minor spelling error then there is no prejudice to the claimant to do so.

4. The claimant sets out the reasons why he argues that a reconsideration is in the interests of justice in 14 numbered paragraphs. I have read them with care but conclude that they raise no reasonable prospect of the judgement being varied or revoked. Overall the point made by the claimant is that my judgement to give weight to certain parts of the evidence and not to give weight to others was perverse in a number of respects or fundamentally misunderstood the evidence before me.

5. For example the claimant criticises my judgement that I should give weight to the mapping exercise as, in effect, perverse because he states I should have concluded that that exercise led to a finding that he should remain a Product Manager (para.4 of the application for reconsideration). I explained in para. 33 of the judgement that this was only part of the evidence I considered.

6. The claimant's criticism is directed to my primary findings of fact or to the weight I should give two different pieces of evidence. This does not raise new arguments or arguments that could not reasonably have been raised at the original hearing. Arguments about whether no reasonable Employment Judge could have come to the conclusion is that I did are not the kinds of argument which mean it is in the interest of justice for a reconsideration application to proceed. The claimant alleges that I reached the wrong conclusion on the facts and it is not in the interests of justice to reconsider a judgement for that reason. The parties have had a final hearing at which all the evidence was considered and are entitled to finality in the litigation. Questions about whether there were errors of law, including whether the decision was perverse, should be raised by appeal if at all.

Employment Judge George

Date: ...24 November 2023.....

Sent to the parties on:
28 November 2023

For the Tribunal Office