



EMPLOYMENT TRIBUNALS

Claimant: Mr Daniel Williams

Respondent: Jaguar Land Rover Limited

JUDGMENT

The respondent's application dated **8 November 2023** for reconsideration of the judgment sent to the parties on **25 October 2023** is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because there is a public policy principle that there should be finality in litigation. The respondent is making substantially the same submissions that it made at the remedy hearing. A judgment will only be reconsidered if it is in the interests of justice to do. It is not intended to be used by a disappointed party to provide a re-hearing (**Stevenson v Golden Wonder Limited 1977 IRLR 474 EAT**).

Failure to Mitigate Losses: Driving Licence and Childcare

The sole instance on which we found there was childcare available to the claimant was on 18 September 2018 and predated his dismissal. We found he had learned to drive as and when he could. We concluded that the claimant had taken reasonable steps to mitigate his losses when in a position to do so. Having reached that conclusion, we then accepted his account (which was not challenged) that his future losses (giving credit for sums earned by way of mitigation) would carry on until July 2024 (paragraph 40 of Remedy Judgment).

Failure to Mitigate Losses: Rejection of more agency and /or permanent work

There was no evidence put before us that there was the opportunity or availability of future agency and/ or permanent work at BMW Hams Hall after the one day agency work undertaken in February 2021. There was therefore no evidence from which we could have concluded that a suitable alternative role had been rejected by the claimant in February 2021.

When Employment would have ended in any event

The respondent is repeating submissions made at the remedy hearing.

Contributory Fault

We made a deduction of 10% to the basic and compensatory award for unfair dismissal but declined to do so in relation to the loss of earnings for unlawful discrimination. The case of **Kuppala v HBOS plc** is not binding on us and was not relied on in the respondent's submissions.

Claimant Obtaining Alternative Employment

The respondent is repeating submissions made at the remedy hearing. As we have already said above there was no evidence put before us of the opportunity of future work at BMW Hams Hall.

Calculation

The mathematical error will be corrected under Rule 69 in due course.

Employment Judge **Woffenden**

Date_21st December 2023_____