



EMPLOYMENT TRIBUNALS

Claimants:	Mr M Mehmet	[3301208/2021	“Claim 1”]
	Mrs Y Mehmet	[3302603/2021	“Claim 2”]
	Mr A Cakmaktas	[3302371/2021	“Claim 3”]
	Mrs Y Alican	[3306458/2021	“Claim 4”]
Respondent:	Medsun Food Ltd		

THIRD RECONSIDERATION JUDGMENT

The claimant's application dated **7 January 2024** for reconsideration of the judgment, sent to the parties on **16 August 2023** (and/or of the previous reconsideration judgments) is refused as it has no reasonable prospects of success.

REASONS

1. The First Reconsideration Judgment sets out the applicable rules, legislation and principles.
2. The Claimants' representative, Mr Gorlov, submitted an email dated **7 January 2024** at 07:40 with attachments. This email was out of time in order to be an application for reconsideration of the liability judgment (sent to parties in August) even taking account of the extension of time that I had granted and the First Reconsideration judgment (sent to parties on 8 November 2023).
3. The Second Reconsideration judgment was sent to parties on 22 December 2023; had the application otherwise had merit, then I would have been likely to extend time (to the extent that the application related to the Second Reconsideration judgment) as Mr Gorlov had intended to include the attachment (a 70 paragraph document, with a statement of truth), as an attachment to his earlier email, on 4 January 2024 .

4. To the extent that the document refers to Mr Gorlov's own health and personal circumstances, it does not raise any reason for me to revoke or vary any of my earlier decisions.
5. Arrangements for the hearing were discussed on Day 1. There was no adjustment that was requested and refused, save that the practical difficulties of erecting screens - such that C4 - Mrs Alican and Mr Halim would not be able to see each other - was mentioned. I asked if arrangements for C4 - Mrs Alican to participate remotely should be made and invited Mr Gorlov to take instructions during the break. After the break, it was confirmed that the Claimants were content with the arrangements and were not seeking arrangements for remote access.
6. I was not told that C4 - Mrs Alican could not hear the proceedings. She did not give evidence. I spoke about the consequences of not doing so, and took a break so C1, C3 and C4 could consider their position. After the break, I was told by Mr Gorlov that there was no change in their position, not that C4 had not heard, or had not understood, what I had said.
7. In relation to the suggestions that Ms Bal might not exist and/or that the decision or procedure meant that the Respondent dismissed C1, C2 or C3 unfairly, I have nothing to add to what I have said previously.
8. In relation to the lateness of certain documents, and the absence of others, I have nothing to add to what I have said previously. (Item "64" in the bundle, referred to at paragraphs 51 to 55 of the liability reasons, was page R301 of the bundle, and was attached to C1's ET1. It is discussed in the liability reasons).
9. The fact that C1 had a crowbar in his hand (and that he knew that Huseyin Salici had said this) was referred to in the document attached to C1's ET1. [Bundle 301]. The allegation about the crowbar was mentioned in the document on [Bundle 405] which I decided (see, for example, reference at paragraph 165 of liability reasons) had been considered by Ms Bal. The liability reasons (paragraph 121) also refer to what C2 said on the subject in her witness statement (at paragraph 50, in particular).
10. In relation to the suggestion that what happened on the roof had no connection to the employment relationship between the claimants and the respondent, I already considered this argument, and rejected it, in the liability decision and reasons.
11. In relation to the argument that I should have decided that Ms Alic was giving untruthful evidence (on the matters relevant to the dispute between the four claimants, or any of them, and the respondent), I have nothing to add to what I have said previously.
12. In terms of C4's dismissal, the point about the CCTV (para 57 of Mr Gorlov's document) was made at the liability hearing, and is discussed in the liability reasons. As Mr Gorlov is aware, Ms Winser identified a figure on the video as being C4, and Mr Gorlov's position is that that was not C4. However, as mentioned at paragraph 135 of the liability reasons, even assuming that Ms

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Winser was mistaken, it was irrelevant whether the video showed C4 leaving the store because there was no dispute that (from time to time) C4 took items from the shelves, left the store area (and it is irrelevant which door she used) with the items, and did so without making payment.

13. For the reasons stated above, the reconsideration application is refused.

Employment Judge Quill

Date: 11 January 2024

JUDGMENT SENT TO THE PARTIES ON
1 February 2024

FOR THE TRIBUNAL OFFICE