



EMPLOYMENT TRIBUNALS

Claimant: Mr D. Carabott

Respondent: London Borough of Newham

JUDGMENT ON THE CLAIMANT'S APPLICATION FOR RECONSIDERATION

The judgment of the Tribunal is that:

1. the Claimant's second application for reconsideration is refused.

REASONS

1. By email dated 10 November 2023, the Claimant made a second application for reconsideration.
2. Rule 72(1) of the 2013 Tribunal rules provides:

72.—(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.
3. This second application purported to be an application for reconsideration of the Tribunal's earlier judgment on reconsideration, sent to the parties on 27 October 2023. In my judgment, it was, in substance, a second application for reconsideration of the original decision dismissing the Claimant's claims for want of jurisdiction, sent to the parties on 29 September 2023. I consider that it is 'substantially the same application [which] has already been made and refused', i.e. an application to revoke the Tribunal's decision to dismiss the claims for want of jurisdiction. Insofar as additional arguments are now made in support of the application, I consider that there are no special reasons why those points could not have been made in the original application.
4. Further, this second application to reconsider the original decision is long out of time. Given that the Claimant was able to lodge an in-time application on 16 October 2023, I consider that there are no good reasons for extending time.

5. For these reasons I am satisfied that there is no reasonable prospect of the Tribunal varying or revoking its judgment. The application for reconsideration is refused pursuant to rule 72(1) because it is not necessary in the interests of justice to reconsider the judgment.
6. Because I have dismissed the application at the first stage, I have not invited the Respondent to comment on it.
7. The Claimant has lodged an appeal to the Employment Appeal Tribunal, and it is in that forum that he should now pursue any challenge to the Tribunal's original decision.
8. I apologise to the parties for the delay in dealing with this application, which was not referred to me until earlier this week.

Employment Judge Massarella
Date: 15 February 2024