



EMPLOYMENT TRIBUNALS

Claimant:

Mr G McCracken

v

Respondent:

Fugro GB Marine Limited

Heard at:

Reading

On: 31 March and 1 April 2022,
28 April 2023 and
in chambers on 26 May 2023

Before:

Employment Judge Hawksworth
Ms L Farrell
Mr A Morgan

Appearances

For the Claimant: In person

For the Respondent: Mr S Way (counsel)

JUDGMENT ON RECONSIDERATION

The claimant's second application for reconsideration of the reserved judgment of the tribunal sent to the parties on 20 June 2023 is refused under rule 72(1) of the Employment Tribunal Rules of Procedure 2013.

REASONS

1. Reserved judgment and reasons in the claimant's claim against the respondent were sent to the parties on 20 June 2023. The claimant made an application for reconsideration of the judgment by email on 4 July 2023 ('the first application'). As a result of an administrative oversight or error, the application was not brought to my attention until 5 December 2023. Judgment on reconsideration was sent to the parties on 15 December 2023. The first application was refused under rule 72(1).
2. On 29 December 2023 (within the required 14 days of the judgment on reconsideration) the claimant made another application for reconsideration ('the second application').

3. The rules on reconsideration were set out in the reasons for the refusal of the first application.
4. In his second application, the claimant has asked the tribunal to consider again a point he made in his first application that a serious issue arose concerning redaction of a non-disclosure agreement.
5. During the cross-examination of one of the respondent's witnesses, Neville Smith, the claimant showed the judge an unredacted copy of the agreement on page 437 of the bundle, to clarify who the parties to the agreement were. The names of the parties were redacted in page 437 in the bundle, and Mr Smith's understanding of the parties to the agreement did not accord with the claimant's. By reference to the unredacted copy of page 437, the names of the parties to the agreement on page 437 were confirmed. Mr Smith accepted that and accepted that in hindsight the respondent had breached the agreement on page 437.
6. In reaching its decision, the tribunal weighed up the evidence it heard and read, including Mr Smith's evidence, made findings of fact, applied the relevant legal principles and reached its conclusions. The tribunal did not make any finding that Mr Smith was misleading the tribunal.
7. The claimant's second application does not raise any procedural error or any other matter which would make reconsideration necessary in the interests of justice. There is no reasonable prospect of variation or revocation of either the original decision or the judgment on the claimant's first application.
8. The claimant's second application for reconsideration is therefore refused under rule 72(1).

Employment Judge Hawksworth

Date: 14 February 2024

Reasons sent to the parties on
28 February 2024

For the Tribunal office