



EMPLOYMENT TRIBUNALS

Claimant: Miss C Drayson

Respondent: ABM Catering Ltd

JUDGMENT

The claimant's application dated **7 March 2024** for reconsideration of the judgment sent to the parties on **23 February 2024** with reasons sent to the parties on **20 March 2024** is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked. The claimant's reconsideration application initially refers to the orders made at the hearing on 3 November 2023, which were sent to the parties on 1 February 2024. However, it appears that the material decision which she wishes to reconsider is the strike out decision from the hearing on 9 February 2024. (I cannot address a reconsideration application in relation to the November 2023 decision, if this is to be pursued it should be referred to the relevant judge who conducted that hearing.)
2. I have considered the claimant's application in relation to the judgment of 9 February 2024. There is no reasonable prospect of the original decision being varied or revoked. The application does not show that it is necessary in the interests of justice to reconsider the decision.
3. The claimant says that the respondent failed to include a document in the bundle for the preliminary hearing on 9 February. The document she refers to is her agenda for the case management hearing. However, I note that the claimant's case management agenda was included in the hearing bundle for the February hearing at page A38. In any event, the contents of that document had no bearing on the decision I had to make regarding the claimant's unfair dismissal claim. The document did not assist me in determining whether a protected disclosure was in fact made.
4. The claimant asserts that the Tribunal struck out the unfair dismissal claim with "no evidence of fact." This is not correct. The Tribunal considered documentary

evidence, witness statements from the relevant witnesses and heard the oral evidence and cross examination of the witnesses before making its decision to strike out.

5. The claimant alleges that she had further new evidence and new witnesses to support her claims. She does not clarify what this new evidence is or who the new witnesses are. There is nothing to suggest that she could not, with reasonable diligence, have produced this evidence at the hearing on 9 February 2024. Nor is there anything to explain the relevance of the new evidence or show that it would have had an important influence on the strike out judgment. The conditions in Ladd v Marshall [1954] 3 All ER 745 are not made out.
6. The Tribunal decision was made following an evaluation of the available evidence, including an assessment of the weight and consistency of the witness evidence provided by both parties for the hearing.
7. Due to the length of the claimant's service with the respondent, the Tribunal does not have jurisdiction to consider an 'ordinary' unfair dismissal claim. Without a protected disclosure, the claim of automatic unfair dismissal cannot succeed. The issue of redundancy does not arise for determination.
8. If the claimant wishes to have a transcript of the hearing on 9 February 2024, she is at liberty to apply for this using the appropriate process. She should address any enquiries in this regard to the Tribunal administration.
9. The remaining sections of the claimant's reconsideration application address the respondent's costs application. They have been taken into consideration in the Tribunal's judgment on the costs application and are not relevant to this reconsideration application. Consequently, they are not repeated here.

Employment Judge Eeley

Date: 9 April 2024

JUDGMENT SENT TO THE PARTIES ON

23 April 2024

FOR THE TRIBUNAL OFFICE