



EMPLOYMENT TRIBUNALS

Claimant: Mr S Khsay
Mr Y Tesfamariam
Mr R Arya

Respondent: Greggs PLC

JUDGMENT

The claimant's application dated 7th March 2024 for reconsideration of the judgment sent to the parties on 15th February 2024 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. This is an application by claimant 2 Mr Y Tesfamariam under Rules 70 and 71 of the Employment Tribunal Rules, it is being considered by me under Rule 72(1) of the Rules to determine if there is a 'reasonable prospect of success of the original decision being varied or revoked.'
2. The claimant's application for reconsideration was received 7th March 2024. It did not specify any grounds for a reconsideration.
3. I directed an email to be sent to the claimant requesting the reasons for a reconsideration. He replied on 14th March with his reasons but requested further time to respond fully. The respondent was copied into that correspondence and objects to the application and request for further time being granted.
4. The request for further time is refused, the time limits in the Employment Tribunal are applied strictly and there must be a very good reason for extending them. The claimant has set out no reasons why he could not comply with the time limits.
5. The claimant set out a number of grounds for his application.

After all the last couple of years my partner is in good health. Regards the finding job is I have been registered in agencies and I always searching a job. Still am looking for a job.

Polkey;

120. Never found in the locker room as Keith career claimed standing watching someone's mobile. As you watch their exchange emails they could warned me or dismissed me but never found any evidence he just accused me in addition to support the dismissal. They were prepared their files and not a single day I were called and had no any issues in any circumstance,

Contribution :

124. The tribunal should consider at the time I was in the toilet no one checked as Tony Jones in his statement from Joanne Howe stated he only checked the locker rooms, If I were outside there was CCTV and there was a standing reception person they could find out from him if were outside. If Tony Jones would check 100% found me there.

125. I have not had such behaviour and did follow all the company orders. As I said in court I believe that one day Joanne Howe gathered us and told us we don't have to stay outside of work on top of the I already knew the rule. As a Keith Career appeared in the court as a respondent witness he twisted a lot of story on dismissal of my case. This is the same person he claimed that he found me in locker room with another person he did not found if he was found me I would be dismissed or warned for this behaviour as it was a gross misconduct. They just added to my dismissal as supporting document for the dismissal.

The tribunal should consider that Craig Dixon did towards us in our working days and said " if you want to take this higher you will be in big trouble "

Most of the comparators were found many times as outside work as it was gross misconduct but they got warned and back to their work.

The respondent accepted that 20 minutes were okay to take but in the other hand they claimed accused me and dismissed me for taking 32 minutes.

Would be that fair.

The two sisters were part of the weekend hygiene team they had to be in the production not outside to clean shelters as there is one person to do that job but they used to make us fired. No one is allowed to work anywhere before we do our weekend plan.

6. The grounds as set out are simply an attempt to relitigate the hearing. Further some of the grounds, such as that pertaining to Craig Dixon were not argued at the remedy hearing and refer back to the liability hearing. The incident involving Mr Dixon was pursued by Mr Kahsay, claimant 1 as a freestanding complaint, but no such claim was made by this claimant about this incident and he not did he raise or the matters about comparators at the remedy hearing.
7. In *Stevenson v Golden Wonder Ltd 1977 IRLR 474, EAT*, Lord McDonald said of the old review provisions that they were 'not intended to provide parties with the opportunity of a rehearing at which the same evidence can be rehearsed with different emphasis, or further evidence adduced which was available before'.
8. In order to pursue a reconsideration a party must set out why 'it is necessary in the interests of justice to do so.' The claimant has not identified any information or grounds which have not previously been argued. Nor has the claimant identified any ground which would amount to the 'interest of justice' e.g. new evidence has become.
9. Having considered the grounds, the application is refused as having no

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reasonable prospects of success.

Employment Judge Pitt
Date 22nd April 2024