



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr David Drozdowski

**Respondent:** British Telecommunications plc

**Heard at:** London South ET by video link                      on 13,14,15 and 16 February 2024

**Before:** Judge MM Thomas, Ms N Murphy and Mr S Townsend

## Representation

Claimant: Unrepresented – Litigant in Person

Respondent: Ms R Page, Solicitor **JUDGMENT**

The Claimant's request dated 17 March 2024 but received by the Tribunal on 19 April 2024 for reconsideration of the Judgment sent to the parties on 26 February 2024, is

## refused. **REASONS**

1. Rule 71 of the Employment Tribunals Rules of Procedure 2013 Rules('Rules') states

*' Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary'.*

2. An oral Judgment was delivered on the 16 February 2024. The written record of the Judgment was sent to the Claimant on 26 February 2024. Thereafter followed a request for written reasons which were sent on 5 April 2024. Although the reconsideration application is dated 17 March 2024, the e-mail containing it to the Tribunal is dated 19 April 2024. In summary, Rule 71 requires that an application for reconsideration is made within 14 days of the written record of the 'original' decision being sent to the parties. The Claimant's application followed his receipt of the written reasons not, the 'original' written Judgment. As such, in the first

instance the application for reconsideration is made outside the 14-day time frame and is out of time.

3. However, should I be wrong on that I have nevertheless gone on to consider whether there is any merit to the application. Rule 72 (1) of the Rules provides:

*“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.*

*...”*

4. The Claimant's application for reconsideration is set out in his letter of 17 March 2024, which runs to 4 pages, in total, 14 paragraphs. Within it he sets out as to why he seeks reconsideration of the Judgment. I find having very carefully considered its contents that what is set out is no more than an attempt by the Claimant to revisit and reargue the findings of fact made by the Tribunal in reaching its judgment on the evidence before it.
5. The Claimant requested and was sent the Tribunal's written reasons for its decision on the 5 April 2024. Within the latter it was set out the findings that were made and as to why those findings were made.
6. The Claimant has set out no matter or matters which support a rehearing of this case. The application discloses no administrative error and the new and further evidence that he refers to is, I find to be evidence that was in existence and of which the Claimant had knowledge and could have obtained if he had sought to have it considered at the time of the hearing. The issues that the Tribunal had to determine had prior to the hearing been identified and agreed. No application was made at the hearing for further issues to be considered nor determined. Again, this is identified within the written reasons. Equally, although the Claimant asserts that the evidence in regard to the furlough option was not evidence before the Tribunal, it was. It was the oral evidence of Mr N MacDonald.
7. The purpose of a reconsideration is not a means for a party to dispute a judgment with which he disagrees. If the Tribunal's conclusion and ultimately the Judgment is disputed on the basis of whether there has been the correct interpretation of the law that is a matter for an appeal which the Claimant is able to make to the Employment Appeal Tribunal. In short, it is not a matter for a reconsideration application.
8. As I stated at the time of the oral Judgment and in the written reasons later provided, I am in no doubt that the Claimant is unhappy with the Judgment nevertheless, for the reasons outlined, his application is refused.

Tribunal Judge MM Thomas

Date 30 May 2024

SENT TO THE PARTIES ON  
1<sup>st</sup> July 2024.

FOR THE TRIBUNAL OFFICE

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