



# EMPLOYMENT TRIBUNALS

**Claimant:** Dr S Shah

**Respondent:** The Redundancy Payment Service

## JUDGMENT

The application for reconsideration of the judgment of 29 April 2024 (which dismissed the claim under rule 47) is refused. The judgment is confirmed.

## REASONS

1. On 29 April 2024 I issued a judgment with written reasons dismissing the claim under rule 47. This was not sent to the parties until 12 June 2024. I need not repeat the reasons for that decision here.
2. The claimant applied for a reconsideration of that judgment on 26 June 2024 (i.e. the application was within the time limit specified in rule 71). The application was passed to me on 11 July and I dealt with it on 18 July. I directed that the parties should be written to in the following terms and the letter was sent out on 26 July:

I have considered the claimant's application for reconsideration dated 26/6/24. In my reasons dated 29/4/2024 I noted that the claimant had been emailed about the hearing on 29/4/24 on several occasions in the week approaching the hearing. He had not contacted the Tribunal since January, when he had explained that his representative had died, enclosing proof, and said that he would be undergoing surgery, the recovery from which could take several months. The application of 26/6/24 had a number of attachments that were before me when I made the original decision and/or which are not relevant to the reasons for the claimant's absence at that last hearing. There are also photos of leg ulcers, which appear to have a December 2023 date in the filename (the hearing was of course some months after that). In the application itself, the claimant says that he did not attend the hearing due to "heavy bleeding painful leg ulcers". He refers to correspondence which was before me in April. Regarding the emails about the hearing, he says he had "no stamina left" to check emails due to his illness and says that he had "already notified that [he] could not check emails daily" (I cannot see any such notification, although his email of

5/1/24 does say "Please provide sufficient time for me to reply"). The claimant essentially appears to take the view that the evidence he provided in January was sufficient, without further contact from him after that, to have meant that the April hearing should not have gone ahead. But that evidence had already been considered by REJ Foxwell when he listed the April hearing. The claimant has not provided any new evidence to support his assertion that he was too unwell to attend the April hearing, though I note his email of 11 July 2024, where he says that he has requested and still awaits further medical evidence.

I apply rule 72(1). Given what I have said above, it does not seem to me that the application is particularly likely to succeed, though I would not go so far as to say that the application has no reasonable prospects of success, given that the claimant says he is awaiting further evidence. Accordingly I make the following orders:

1. By 16 August the claimant must send the Tribunal and the respondent any other evidence on which he wishes to rely in support of the application for reconsideration.
2. By 13 August [*the person who typed the letter meant to say 6 September*]
  - (a) The respondent is to respond to the application in writing.
  - (b) The claimant and the respondent should send the Tribunal their views about whether the reconsideration application can be determined without a further hearing.
3. The case was passed back to me on 10 October 2024. Since the Tribunal's letter of 26 June had been sent, the following correspondence has been received:
  - 3.1. An email from the claimant, dated 1 August. The claimant said that it was "humanly impossible" to get all the evidence by 16 August since he was reliant on various health authorities to send him all the medical evidence in chronological order although he had made requests. He said it could take on average 90 days and sometimes even longer for a response despite many reminders. He requested a further six months to receive collate and send the evidence for reconsideration. He said that his treatment was in continuance since he was not fit at all. He said that putting so much time pressure on him for things that were out of his control "praying on [his] vulnerability" only put him into "additional stressful paranoia". This he said was "unfair consumer detriment". He made some further submissions about the merits of his case and concluded with the following remarks: "For this leaning on the side of the RPS and exploiting my vulnerability is an imbalance judgment besides making prejudged remarks that there is no winning chance. Please avoid conflict of interest in all honesty." The claimant did not include any views on whether the application could be determined without a further hearing.
  - 3.2. An email dated 12 August from the respondent. The respondent was content to have the application determined without a hearing and summarised its position on the merits of the case. The respondent pointed out that the claimant had not provided any evidence beyond his email dated

24 June and submitted that there was no reasonable prospect of the original decision been varied or revoked.

- 3.3. An email dated 12 August 2024 from the claimant. So far as his health and medical evidence are concerned, the claimant said that he was in continuing treatment awaiting medical evidence. He referred to his request to the “hospital authorities” and meant, I think, to say they were taking their time. Otherwise the email deals with the merits of the claim.
4. I understand that no further correspondence has been received from the claimant.
5. In the circumstances, including the fact that neither party has opposed me doing so, I consider that I have sufficient material to decide the application without a hearing – a hearing is not necessary in the interests of justice. The parties have had ample opportunity to provide evidence and to make written submissions.
6. For the following reasons I decline to allow the claimant further time to provide evidence in support of his application and I refuse the application to reconsider the April judgment.
7. Rule 70 reads as follows:
- A Tribunal may... reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision (“the original decision”) may be confirmed, varied or revoked. If it is revoked it may be taken again.
8. Although I have some doubt about whether it is in the interests of justice to reconsider the judgment, I give the claimant the benefit of that doubt. Upon reconsideration I confirm the original decision.
9. It is now almost six months since the hearing that the claimant did not attend. It is over four months since the claimant received my reasons, which made clear that the claimant, if seeking reconsideration, should provide evidence and an explanation relating both to the reasons for him not attending the hearing and for him not informing the Tribunal in advance that he would not be attending. It is almost three months since I made the order for any further evidence from the claimant in support of his application for reconsideration. What medical evidence the claimant has provided relates to January, i.e. four months before the hearing which he did not attend (beyond what the claimant has said as set out above). No further evidence, medical or otherwise, has been received. I consider that the claimant has had long enough to provide some. While it may not have been possible to get everything he might have wanted, that does not explain why nothing has been provided. What the claimant says in his August correspondence does not change the preliminary view I expressed on 29 April.
10. In short there is no significant information before me that was not before me when I made the original decision. Nothing which I have been provided with since suggests to me that the decision was wrong, either on the basis of the information available to me at the time or in hindsight. The parties are entitled

to some finality in this litigation. There are no grounds to vary or revoke the decision. I therefore confirm it.

Employment Judge Dick

18 October 2024

JUDGMENT & REASONS SENT TO THE PARTIES ON

14 November 2024

FOR THE TRIBUNAL OFFICE