



EMPLOYMENT TRIBUNALS

Claimant

Mohammed Azam

v

Respondent

Brooklyn Pizza Crew Ltd

FINAL HEARING

Heard at: London Central (In Person)

On: 6th March 2025

Before: Employment Judge Gidney

Appearances

For the Claimant: No attendance

For the Respondent: No attendance

RECONSIDERATION JUDGMENT

The application by Sebastain Eshragihi dated 1st March 2025 for reconsideration of the Judgment sent to the parties on 18th February 2025 is refused.

REASONS

1. By my Judgment with summary written reasons sent to the parties on 18th February 2023 ('the Judgment') I dismissed the application by Mr Eshragihi for a postponement and upheld the Claimant's claim for unauthorised deductions from wages. I did so for the reasons set out in in summary form that Judgment.

2. Mr Eshragihi seeks a reconsideration on essentially the same grounds as his original postponement requests. Whilst recognising his medical issues, these do not establish that he was too unwell to attend a hearing by CVP, do not indicate when he would be able to attend a hearing and do not explain why another individual could not attend on behalf of the Respondent.
3. The name of the Respondent is amended to Brooklyn Pizza Crew Ltd.
4. The Tribunal has power to reconsider any judgement where it is necessary and in the interests of justice to do so. Rule 72 of the Employment Tribunals Rules of Procedure sets out the process for reconsideration requests. It directs that if the Judge considers that there is no reasonable prospect of the original decision being varied or revoked the application shall be refused.
5. An application for reconsideration under all 70 must include a weighing of the injustice to the applicant if the reconsideration is refused, and the injustice to the respondent, if it is granted, also giving weight to the public interest in the finality of litigation: **Phipps v Primary Education Services Limited** [2023] EWCA Civ 652.
6. The factors to be considered in determining whether it is in the interests of justice to reconsider a decision can still include the specific grounds identified in the 2004 Rules of Procedure, namely (i) whether decision was wrongly made as a result of an administrative error; (ii) where a party did not receive notice of the proceedings leading to the decision, (iii) where the decision was made in the absence of a party; and (iv) when evidence had become available since the conclusion of the hearing which could not have been reasonably known or foreseen at the time.
7. In considering the reconsideration request it is clear that there was no administrative error, and both parties had notice of the hearing. Whilst the decision was made in the absence of Mr Eshragihi, it was not explained why another employee or officer of the Respondent did not attend.

8. In all of the circumstances it is my judgment that there is no reasonable prospect of the original decision being varied or revoked, because, for the reasons stated above, it would not be in the interests of justice to do so.

Employment Judge **Gidney**

Dated this 6th March 2025

JUDGMENT SENT TO THE PARTIES ON

12 March 2025

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FOR THE TRIBUNAL OFFICE