



EMPLOYMENT TRIBUNALS

Claimant: Mr S Muirhead

Respondent: Apex Prime Care Ltd

JUDGMENT

The claimant's application dated 10 February 2017 for reconsideration of the judgment sent to the parties on 1 February 2017 is refused.

REASONS

1 At a reconsideration hearing on 19 January 2017 I revoked judgment that had been entered by default against the respondent. The claimant seeks a reconsideration of that decision.

2 At that earlier hearing I accepted the evidence given on behalf of the respondent that a response had been sent to the tribunal towards the end of June 2016, although it did not appear it had been received. The essence of the instant application for reconsideration is that that is a conclusion I should not have reached.

3 It is pointed out that I could have sought further evidence from the respondent and it is suggested that had I done so, I would have seen that Mr Patrick, who gave the relevant testimony, was a liar.

4 In fact, it is up to a party to decide what evidence it wishes to call. I might well have disbelieved Mr Patrick. The fact was that I did not.

5 What the claimant seems to want is a "second bite at the cherry" and another opportunity to persuade me that Mr Patrick was untruthful. That is not the purpose of an application for reconsideration. I have reached my opinion on that subject.

6 In those circumstances I take the view that there is no reasonable prospect of the original decision being varied or revoked and the application for reconsideration is therefore refused.

Employment Judge Reed

JUDGMENT SENT TO THE PARTIES ON
27 March 2017
FOR THE TRIBUNAL OFFICE