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EMPLOYMENT TRIBUNALS

Claimant: Mr I Mohammed

Respondent: London United Busways Ltd

JUDGMENT ON RECONSIDERATION APPLICATION

The Claimant's application dated 7 February 2017 for a reconsideration of the Judgment and Reasons sent to the parties on 26 January 2017 is refused because there is no reasonable prospect of the original decision being varied or revoked.

REASONS

1. In a Judgment sent to parties on 10 October 2016, the Employment Tribunal determined that the Claimant had been fairly dismissed by the Respondent and dismissed the Claimant's complaint of unfair dismissal.
2. The Claimant requested written reasons for the Tribunal Judgment, which had been delivered orally at the Tribunal hearing. The written reasons were sent to the parties on 26 January 2017.
3. In an email to the Tribunal dated 7 February 2017 the Claimant applied for a reconsideration of the Tribunal judgment. The Claimant's email stated the following:

I received a written Judgment providing the reasons for my dismissal. I am requesting my case to be reconsidered once again, if possible.

Regards

Ibrahim Hussain Mohammed.

4. The Claimant provided no substantive grounds for his application for reconsideration.
5. Rule 70 of the Employment Tribunal Rules of Procedure 2013 provides

A Tribunal may, either on its own initiative (which may reflect your request from the Employment Appeal Tribunal) or on the application of a party, to 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.

6. In the reasons for my Judgment I set out my conclusions at paragraphs 32 to 38 of the Reasons.
7. I concluded that the sanction of dismissal, in circumstances where the Claimant had delayed his return to work from Dubai for a significant period, had been reasonable. I found that the Respondent had been justified in reaching its conclusion that there was no medical reason which had prevented the Claimant's return from a holiday in Dubai and that accordingly the Claimant's delay in returning to work had been unauthorised.
8. The Claimant is clearly unhappy with the Tribunal's conclusion that he was fairly dismissed by the Respondent. However, the process of reconsideration is not available to a party to re-argue its case and to revisit the evidence.
9. In my judgment there are no grounds for revisiting the Tribunal's judgment within the scope of its powers of reconsideration under Rule 70 of the Employment Tribunal Rules of Procedure 2013.
10. The Claimant's application for reconsideration of the Judgment sent to the parties on 10 October 2016 is refused because in my judgment there is no reasonable prospect of the original decision of the Tribunal being varied or revoked.

Employment Judge Hall-Smith
Date: 27 March 2017