



EMPLOYMENT TRIBUNALS

Claimant:

Mr A Arvunescu

v

Respondent:

Quick Release (Automotive) Ltd

JUDGMENT ON APPLICATION BY CLAIMANT FOR RECONSIDERATION

The claimant's application for a reconsideration of the order of 10 November 2017 is refused.

REASONS

1. The Reasons for the orders made on 10 November 2017 were sent to the parties on 10 December 2017. On 10 December 2017, the claimant applied for a reconsideration of:-
 - 1.1 The decision to refuse the claimant's application amend to add a complaint of indirect discrimination;
 - 1.2 The tribunal's indication that some elements of the breach of contract claim appeared to disclose little reasonable prospect of success; and
 - 1.3 To correct "some error" in Case Management Summary (although this complaint was not particularised).
2. On 12 January 2018, the claimant emailed the tribunal seeking to advance a new argument in respect of his application to amend that to add a complaint of indirect discrimination he omitted to advance at the hearing on 10 November 2017.
3. Rule 70 of the Employment Tribunals Rules of Procedure permits a reconsideration of a judgment where it is in the interests of justice to do so.
4. None of the orders that are the subject of the application for a reconsideration were judgments within the meaning of rule 1(3)(b). They

were case management orders and the tribunal does not have jurisdiction to entertain the application.

5. However, under rule 29, a case management order may be varied where it is in the interests of justice to do so. Accordingly, an application to vary the decision regarding amendment could be entertained if appropriate.
6. In my judgment, there is no basis for any variation. At the hearing on 10 November 2017, the claimant had a full opportunity to advance this case. It would be contrary to the interests of justice to permit him another opportunity to do so. There has been no material change of circumstance (see Goldman Sachs Services Ltd v Montali [2002] ICR 1251). If the claimant considers that the decision to refuse the application to amend was wrong in law then his remedy is an appeal to the Employment Appeal Tribunal.
7. The indication that some elements of the contract claim disclosed no or little reasonable prospect of success was not an order, it was an observation that cannot be varied under the rules.
8. As to the claimant's desire to correct errors in the case management summary, it is not clear what these are but there is no reason why they cannot be sorted out, if necessary, at the start of the full hearing on 17 March 2018.

Employment Judge Chudleigh

Date: 25 January 2018

Judgment and Reasons

Sent to the parties on: 13 February 2018

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For the Tribunal Office