



EMPLOYMENT TRIBUNALS

Claimant: Mr J Nokku

Respondent: The Pensions Advisory Service

JUDGMENT

The claimant's second application dated 5th September 2018 for reconsideration of the judgment dated 22 June 2018 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked. It is on this basis that the Claimant's second application for a reconsideration is refused.

2. The Claimant does not accept my findings that the reason for the Claimant's dismissal was capability, a potentially fair reason and that, based upon my findings, the dismissal was both procedurally and substantively fair. Before I reached my original decision at the Final Hearing, I reviewed very carefully all the matters before me, including but not limited to the bundles of documents, the witness statements, the evidence provided orally by the Claimant himself and the witnesses for the Respondent and my own written record of such oral evidence.

3. The Claimant made his first application for a reconsideration on 12th August. This was refused and my reasons for such refusal are set out in my judgment of 21 August 2018.

4. I have now considered very carefully the Claimant's second application for reconsideration comprising 3 pages.

5. I conclude that the Claimant has not presented any new evidence in this second application.

6. The Claimant, in this second application for reconsideration, raises the same matters as those which were raised at the Final Hearing, which I concluded in my original decision did not make the Claimant's dismissal unfair. He raises the same issues including points relating to:-

- (a) Net relevant earnings;
- (b) The Claimant referring a client to a commercial website;
- (c) Feedback provided by the Respondent;
- (d) Tailoring of calls;
- (e) The water incident;
- (f) Starting the capability process at Stage 2 and not Stage 1

7. The Claimant challenges my original decision but gives no new evidence other than he does not agree with the conclusions reached by myself.

8. Having considered very carefully the Claimant's second application for reconsideration, I find that it is not in the interests of justice to vary or revoke my original decision.

Employment Judge **Sharma**

Date_ 18 October 2018
JUDGMENT SENT TO THE PARTIES ON

19 October 2018

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FFOR THE TRIBUNAL OFFICE