



# EMPLOYMENT TRIBUNALS

On consideration of the papers

On: 13 November 2018

By: Employment Judge O'Dempsey

## JUDGMENT

The applications for reconsideration of the earlier judgment sent to the parties on 22 August 2018 are dismissed.

## REASONS

1. I have been asked to reconsider my judgment in this matter by some of the claimants.

### Mr Hepburn (2501001/2018)

2. Mr Hepburn seeks reconsideration on the grounds that his place of employment was not Teesside Biomass Plant, Huntsman Drive, Teesside, He believes his place of employment was Lagan Construction Group, Rosemount House, Belfast.
3. This is based on his interview being held at Rosemount House, Belfast. He says that he was not told what site he would be working on and his contract (which I did not see when making my decision) stated that he would be required to work on any site. He says in his application that he had spells working from both the Belfast Office and the Livingston Office.
4. Unfortunately for Mr Hepburn he did not attend to give any of this evidence and none of it was presented to me by any other means or witness. It is for that reason alone that I was unable to conclude that Mr Hepburn was employed at an establishment at which more than 20 persons were employed.

### Mrs March (2501018/2018)

5. Mrs March has asked for reconsideration of the judgment. This is based on information she now seeks to give that she was employed by Lagan Construction Group on a permanent full time basis. She says that her base of work was Teesside but she says that she did work across other of the Respondent's sites when additional help was required. She says she also worked from the Lagan Head office would have continued working there until a new project began.

## Discussion

6. In each case the claimant is arguing that in the light of the additional information provided, I should revisit the conclusion in the particular case.
7. The claimants' respective emails are, in one form or another, applications for reconsideration made within the relevant time limit under Rule 71 of the first schedule to the Employment Tribunals (Constitution and Rules of Procedure) Regulation 2013 ("the Rules").
8. In each case the evidence upon which the claimant now seeks to rely could have been presented before me with proper diligence at the hearing at the end of July. None of the applications set out why reconsideration is necessary. There must be finality in litigation.
9. Moreover under Rule 72 of the Rules that there is no reasonable prospect of the original decision being varied or revoked. It would not be in the interests of justice to conduct such a reconsideration.

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EMPLOYMENT JUDGE O'DEMPSEY  
JUDGMENT SIGNED BY EMPLOYMENT JUDGE ON  
27 November 2018