



EMPLOYMENT APPEAL TRIBUNAL

Audit House

58 Victoria Embankment London EC4Y 0DS

Telephone : 020 7273 1061

Facsimile : 020 7273 1045

Our Reference: UKEAT/0176/08/LA

Dr R Benveniste

19 June 2008

Dear Madam

Dr R Benveniste v Kingston University

I am writing with reference to your Notice of Appeal in the above case from the Decision of an Employment Tribunal sitting at London South and promulgated on 11 February 2008.

Under Section 21 of the Employment Tribunals Act 1996, this Appeal Tribunal only has jurisdiction to hear appeals from Employment Tribunal Decisions on questions of law, i.e. where it is argued that the Tribunal made some mistake in its interpretation or application of the law in reaching its decision. This means that it is not the function of this Appeal Tribunal to re-hear the facts of a case or to review an Employment Tribunal's decision on those facts.

The appeal has been referred to The Honourable Mr Justice Elias (President) in accordance with Rule 3(8) of the Employment Appeal Tribunal Rules (amended) 2004 and in his opinion your Notice of Appeal discloses no reasonable grounds for bringing the appeal. He states:

In my judgment the fresh Notice of Appeal adds nothing of substance to the original Notice of Appeal. The substance of the complaints are still considered to be complaining about the findings of the Tribunal.

I should add that the fresh evidence which it is sought to adduce really takes matters nowhere at all. It is of very little merit, and one only has to read it to see how equivocal it is and in any event it is simply one person's rather vague memory of how the scheme operated in a different department.

I remain of the view that the case should go forward on the one single ground that I had identified.



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For the above reasons the learned judge considers that this aspect of your Appeal has no reasonable prospect of success and that, in accordance with Rule 3(9), no further action will be taken on it.

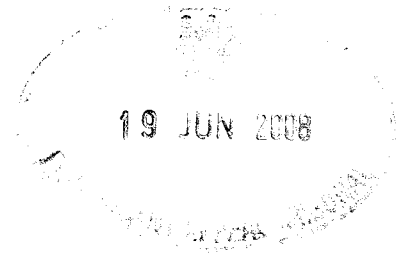
Your attention is drawn to Rule 3(10) of the EAT Rules. A copy of Rule 3 is enclosed with this letter.

Yours faithfully

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Ms J Johnson

Deputy Registrar



**CC: Messrs Charles Russell LLP Solicitors for the Respondent
(Ref: PXP/JXO/PXP/025584/00011)
London South Employment Tribunal (ref: 2305328/04)**