



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Duke

**Respondent:** Siemens

**BEFORE:** Employment Judge Martin

## JUDGMENT ON RECONSIDERATION

The Judgment of the Tribunal is that the Claimant's application for a reconsideration of the Reserved Judgment dated 20 March 2018 is refused.

The Judgment dated 20 March 2018 is hereby confirmed.

## REASONS

1 On 30 March 2018 the Claimant made an application for a reconsideration of the Reserved Judgment dated 20 March 2018. No response has been received from the Respondents to that application.

2 The Tribunal considered Rules 70 – 72 of Schedule of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 and the Claimant's application for reconsideration.

3 The Tribunal determined that it could deal with the application without a hearing.

4 The Tribunal considered that the Claimant's application for reconsideration effectively amounted to a request to reconsider evidence already heard by the Tribunal and upon which the Tribunal had already made findings of fact. It was merely an attempt to re-litigate a matter that had already been decided by this Tribunal, effectively in essence an appeal against the Judgment of the Tribunal and not a request for reconsideration.

5 In his application the Claimant also referred to a number of statutory provisions and two cases, all of which had been considered by the Tribunal.

6 Further, the claimant's application referred to two matters which could have amounted to an attempt to introduce fresh evidence, namely an alleged comment made by one of the Claimant's witnesses in the car after the Tribunal hearing; and a comment relating to allegations regarding Mr Cottam. In that regard, the Tribunal took note of the leading case of *Ladd v Marshall [1954] EWCA CIV1*, which sets out the guidelines for the introduction of fresh evidence in such circumstances. In the case of *Ladd* it was held that it must be shown that the fresh evidence could not have been obtained without reasonable diligence for use at the trial; secondly the evidence, if given, should have an important influence on the result of the case, although not necessarily be determinative. The case of *Ladd* also made it clear that the circumstances when a Court would grant leave to adduce new evidence must be very rare. In this case, the Tribunal considered that all this evidence could have been obtained before the hearing, and in any event is unlikely to have had any important influence on the outcome of the case.

7 In considering any application for reconsideration, the Tribunal has to take into account the interests of both parties. It is in the interests of justice and the public

interest that there should be, so far as possible, finality in any litigation, and cases should not be reconsidered, as this application is seeking to do, by asking for a reconsideration of evidence upon which findings of fact have already been determined.

8 For those reasons the Claimant's application for a reconsideration of the judgment dated 30 March 2018 is dismissed.

JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE MARTIN ON

15 May 2018

JUDGMENT SENT TO THE PARTIES ON

23 May 2018

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL