



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Shiferaw

**Respondent:** Guys and St Thomas' NHS Foundation Trust

## JUDGMENT

The Claimant's application dated 23<sup>rd</sup> January 2018 for reconsideration of the costs judgment delivered with oral reasons on 31<sup>st</sup> August 2017 and written reasons sent to the parties on 9<sup>th</sup> January 2018 is refused. It is not necessary in the interests of justice for this matter to be reconsidered.

## REASONS

1. Under Rule 70 of the Employment Tribunal Rules of Procedure 2013 a Judgment may be reconsidered where it is in the "interests of justice to do so". However, this does not mean that every disappointed litigant is entitled to a reconsideration. Something particular is required to establish this ground.
2. The Claimant seeks a reconsideration of the award for costs made in this case. The Claimant did not attend the costs hearing and had not applied for a postponement. In the light of the history set out in our written reasons the Tribunal went ahead in his absence having considered the representations made by the Claimant on 28<sup>th</sup> May 2017. The Claimant now says he didn't attend the hearing as he was away from London.
3. The application is said to be "in the interests of justice". However his application for reconsideration does not raise any matters that could not have been raised in earlier written representations or during the hearing had he chosen to attend. He did not seek a postponement of the costs hearing or provide evidence of his inability to attend. This application is simply an attempt to have a second shot at resisting the costs application and to present additional evidence as to his means in circumstances where he chose not to engage with the original process.

4. The application also states that the Respondent achieved a tactical win only. It should be clear to the Claimant from reading the reasons for the original Judgment that this was not the case.
5. A reconsideration hearing is not a means by which a party can have a second shot at arguing his case. The Claimant has had a reasonable opportunity to make his case. There is no reasonable prospect of the original decision being varied or revoked.

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Employment Judge Frances Spencer  
Date: 5<sup>th</sup> March 2018