



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A El-Samman

**Respondent:** Stirling Tactical UK Limited

## JUDGMENT ON RECONSIDERATION APPLICATION

The Respondent's application by email sent on 7 August 2018 for reconsideration of the Judgment and Reasons sent to the parties on 23 July 2018 is refused.

### REASONS

1. The reasons for the Tribunal's Judgment on the application for reconsideration are set out herein only to the extent that the Tribunal considers it necessary to do so in order to explain its decision, and only to the extent that it is proportionate to do so.
2. The application for reconsideration of the Reserved Judgment dated 7 August 2018 set out objections to the Tribunal's Judgment in 5 numbered paragraphs on 1 page of text.
3. Any application for reconsideration falls to be considered under Rules 70 – 72 of the Employment Tribunals Rules of Procedure 2013. These provide, among other things, at Rule 71, that any such application must

be made within 14 days of the date on which the written reasons were sent to the parties. That time frame was not complied with here. The application for reconsideration did not disclose any grounds for the Tribunal to extend that time limit, and indeed no such application was made.

4. In any event, the application simply sought to raise arguments challenging the Tribunal's decisions and findings of fact. A Tribunal can only reconsider its decision where it is in the interests of justice to do so: Rule 70. The Respondent in effect seeks 'a second bite of the cherry'. Such a quest is, on its face, contrary to the interests of justice, and undermines the important principle of the need to provide finality to the litigation.
5. Therefore, even if the application had been made in time, or an extension of time had been granted, there not have been a reasonable prospect of the original decision being varied or revoked: Rule 72(1).
6. In all the circumstances, the application was refused under Rules 71, and in the alternative, under Rule 72(1) of the Employment Tribunals Rules of Procedure 2013.

Employment Judge Hyde

Date: 20 November 2018