EMPLOYMENT TRIBUNALS

Claimant: **Mr A Tayel**

Respondents: **(1) Sarah Stalley**
(2) Caroline Wiltshire
(3) Ipswich Hospital
(4) Michael Wallis
(5) Colchester Hospital

JUDGMENT

The claimant's applications dated 28, 29 March & 3 April 2019 for reconsideration of the judgments sent to the parties on 14 & 20 March 2019 is refused.

REASONS

1. There is no reasonable prospect of the original decisions being varied or revoked.

2. The claimant has submitted the following applications for reconsideration:

   28 March 2019 @ 12:48
   28 March 2019 @ 12:55
   29 March 2019 @ 08:10
   29 March 2019 @ 12:48

3. The claimant has made applications for reconsideration of all the judgments issued following the three-day Preliminary Hearing 26 – 28 November 2018. He is seeking to revisit the matters that were heard over those three days during which he was given every opportunity to state his case. The other cases heard were case numbers 3325693/2017 and 3305873/2018. The claimant states that the Judge has not understood his case and that the Judge is 'wrong'. The claimant does not agree with the decisions reached. His right is to appeal to the Employment Appeal Tribunal.

4. Rule 70 of the Employment Tribunal Rules 2013 provides for reconsideration where 'it is necessary in the interests of justice to do so'. In exercising its powers, the tribunal must have regard to the overriding objective in Rule 2. This gives the tribunal a broad discretion but in exercising that the tribunal must have regard not only to the interests of the party seeking the reconsideration but also the interests of the other party and the requirement that there should be, as far as possible, finality of litigation (Outasight VB Ltd v Brown 2015 ICR D11 EAT)

5. It is not the purpose of the reconsideration provisions to give an unsuccessful party an opportunity to reargue his or her case. An unsuccessful litigant where they have attended the hearing and presented their arguments before a decision was reached is not, without more, permitted to simply reargue his or her case, to have in effect 'a second bit at the cherry' (per Phillips J in Flint v Eastern Electricity Board [1975] IRLR 277.

6. It is neither in the interests of justice to grant the claimants applications nor would it be applying the provisions of the overriding objective. The claimant requests a hearing. He has had a three-day hearing at which all his submissions were heard.

7. The judge has considered the applications and considers there is no reasonable prospect of the decisions being varied or revoked within Rule 72(1) and the applications are refused.

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Employment Judge Laidler

Date 25 April 2019

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE