



EMPLOYMENT TRIBUNALS

Claimant: Mr T Brown

Respondent: Sodexo Limited

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 8 April 2019 is refused. The Judgment dated 8 April 2019 is hereby confirmed.

REASONS

1 On 15 April 2019 the Claimant made an application for a reconsideration of the Reserved Judgment dated 8 April 2019. On 18 April the Respondent's representative objected to that application and submitted that the application did not have any merit.

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

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 refers to a matter which could amount to an attempt to introduce fresh evidence, namely the reason why he did not mention a work colleague as a potential witness. 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. 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 this evidence was available before the hearing

6 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.

7 For those reasons the Claimant's application for a reconsideration of the

Judgment dated 8 April 2019 is dismissed.

Employment Judge Martin

Date 31 MAY 2019