



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P. Eghan

**Respondent:** Interserve Security (First) Ltd

## JUDGMENT

The claimant's application dated 18 June 2019 for reconsideration of the judgment sent to the parties on 5 June 2018 is refused under rule 72 of the Employment Tribunals Rules of Procedure 2013.

## REASONS

1. On 18 June 2019 the claimant wrote asking for the judgment to be reconsidered.
2. Under rule 70 of the Employment Tribunal Rules of Procedure 2013, a Tribunal "may reconsider any judgment where it is necessary in the interest of justice to do so", and upon reconsideration the decision may be confirmed varied or revoked.
3. Rule 72 provides that an Employment Judge should consider the request to reconsider, and if the judge considers there is no reasonable prospect of the decision being varied or revoked, the application shall be refused. Otherwise it is to be decided, with or without a hearing, by the Tribunal that heard it.
4. Under the 2004 rules prescribed grounds for review (now called reconsideration) were set out, plus a generic "interests of justice" provision, which was to be construed as being of the same type as the other grounds, which were that a party did not receive notice of the hearing, or the decision was made in the absence of a party, or that new evidence had become available since the hearing, provided that its existence could not have been reasonably known of or foreseen at

the time. The Employment Appeal Tribunal confirmed in [Outasight VB Ltd v Brown UKEAT/0253/14/LA](#) that the 2013 rules did not broaden the scope of the grounds for reconsideration (formerly called a review). S the grounds for reconsideration are of this type, rather than a general rethink of the reasons why a decision was made.

5. The claimant's application covers 12 pages. It can be summarised as a request that the tribunal look again at particular pieces of evidence and draw different inferences and conclusions. It has the character of a further submission.
6. I regret that reconsideration is not an opportunity to reargue the points made at the hearing so as to persuade the tribunal to change its mind. It is meant for cases where evidence was omitted, or a party did not have the opportunity to put its case. There has to be finality in justice, otherwise parties would ask for decisions to be reviewed of not in their favour. The tribunal considered the evidence carefully, and reached the conclusions it did. It is not shown here that there was evidence which was overlooked, or has come to light, or that the claimant did not get the chance to put his case at the hearing at all or on a particular point. There is no reasonable prospect of showing that the interests of justice require reconsideration and the application is therefore refused.
7. If the claimant considers the tribunal erred in its interpretation of the law, he can appeal. He should remember the time limit for this, details of which are in the letter of 5 June sending him the judgment.

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Employment Judge GOODMAN

Date 19 June 2019

JUDGMENT SENT TO THE PARTIES ON

21 June 2019

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FOR THE TRIBUNAL OFFICE