



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Meese

**Respondent:** Rotherham College of Arts & Technology

## JUDGMENT

The claimant's applications dated 18 July 2019 & 18 August 2019 for reconsideration of the judgment sent to the parties on 09 September 2015 are refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because: -

1. Ordinarily an application for reconsideration (if not made at the hearing) must be made within 14 days of the date on which the Judgment was sent to the parties.
2. The claimant's application has been made almost four years outside that time limit.
3. That time limit can be extended under the provisions of rule 5 of the Employment Tribunals Rules Procedure.
4. In her letter of 18 August 2019, the claimant seeks to explain this delay and sets out various crises in her life following the hearing of the merits of her claim in February 2015. However, despite those circumstances the claimant was, as she refers to in her letter of 18 August 2019, able to launch subsequent proceedings for victimisation which I understand was dealt with by a differently constituted Tribunal. I take the view that if the claimant was in a position to launch fresh proceedings in 2015 she would have been equally able to make a reconsideration application in respect of the costs Judgment made at the hearing on 21 August 2015.

5. Accordingly, I see no basis for granting an extension of time and the application for reconsideration is refused on the basis that it has been made substantially out of time.
6. In any event I do not consider that the application had any reasonable prospect of success. The ground for a reconsideration being undertaken is that it is necessary in the interests of justice to do so. One of the interests of justice is that there should be finality. Once a claim or application has been heard and determined and subject to timely access to rights of appeal or reconsideration, the parties to litigation are entitled to conduct their affairs on the basis that that dispute or controversial matter has been resolved once and for all. Whilst ostensibly the claimant's application for reconsideration is directed at the costs order, the reality is that it is also directed at the merits Judgment which was issued as long ago as April 2015. The claimant's desire to re-litigate these matters four years after they have been determined is an abuse process.
7. I should add that the respondent has been invited to comment on the application but has not done so.

Employment Judge Little

Date 30<sup>th</sup> September 2019