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# EMPLOYMENT TRIBUNALS

**Claimant:** Ms D Dorrington

**Respondent:** Tower Hamlets G.P Care Group CIC

**BEFORE:** Employment Judge M Martin

## JUDGMENT ON RECONSIDERATION

The Judgment of the Tribunal is that the Claimant's application for a re - consideration of the Judgment given orally on 16 April 2019 is refused. The Judgment given orally on 16 April and sent to the parties on 18 May 2019 is hereby confirmed.

## REASONS

1 On 1 June 2019 the Claimant made an application for a reconsideration of the Judgment sent to the parties on 18 May and delivered orally at the hearing on 16 April 2019. Although the application for re-consideration was made late the Tribunal decided to consider the application. On 3 June 2019 the Respondent's representative sent a response 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 During the course of the hearing, Employment Judge Martin gave both parties the opportunity to present their case and sought to assist the claimant who was unrepresented. In her application for reconsideration, the claimant has not provided any new evidence. In any event, the Tribunal is mindful of the leading case of *Ladd v Marshall [1954] EWCA CIV1*, which sets out the guidelines for the introduction of fresh evidence, in particular that it must be shown that the fresh evidence could not have been obtained without reasonable diligence for use at the trial and the circumstances when granting leave to adduce new evidence must be very rare.

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 given orally on 16 April 2019 and sent to the parties on 18 May 2019 is dismissed.

Employment Judge Martin

5 December 2019