



# **EMPLOYMENT TRIBUNALS**

**Claimant:** Mr A Tanase

**Respondents:** Extra Personnel

## **JUDGMENT UPON RECONSIDERATION**

The Judgment of the Employment Tribunal is that there are no reasonable prospects of the Judgment promulgated on 14 October 2019 being varied or revoked and therefore the claimant's application for reconsideration of that Judgment is refused.

### **REASONS**

1. By Rule 70 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the Rules") the Employment Tribunal may, either on its own initiative or on the application of a party, reconsider a Judgment where it is necessary in the interests of justice to do so. On reconsideration, the Judgment may be confirmed, varied or revoked.
2. An application for reconsideration shall be presented in writing (and copied to all of the other parties) within 14 days of the date upon which the written record (in this case the written record being the Judgment promulgated on 14 October 2019) was sent to the parties.
3. On 16 October 2019 the claimant sent an email to the Employment Tribunal in which he made an application for reconsideration of the Judgment. This application by the claimant for reconsideration of the Judgment was presented within the relevant time limit provided for in the Rules. In response to the tribunal's request for its comments on the claimant's reconsideration application the respondent made the point that the claimant had offered no justification as to why that decision should be reconsidered and contended that there was no need for any such reconsideration.
4. Under Rule 70, a Judgment will only be reconsidered where it is necessary in the interests of justice to do so. This allows an Employment Tribunal a broad discretion to determine whether reconsideration of a Judgment is appropriate in the circumstances.

The discretion must be exercised judicially. This means having regard not only to the interests of the party seeking the reconsideration but also the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.

5. The procedure upon a reconsideration application is for the Employment Judge that heard the case to consider the application and determine if there are reasonable prospects of the Judgment being varied or revoked. Essentially, this is a reviewing function in which the Employment Judge must consider whether there is a reasonable prospect of reconsideration in the interests of justice. There must be some basis for reconsideration. It is insufficient for an applicant to apply simply because he or she disagrees with the decision.
6. If the Employment Judge considers that there is no such reasonable prospect then the application shall be refused. Otherwise, the original decision shall be reconsidered at a subsequent reconsideration hearing. The Employment Judge's role therefore, upon the considering of the application upon the papers initially, is to operate as a filter to determine whether there is a reasonable prospect of the Judgment being varied or revoked were the matter to be the subject of reconsideration hearing.
7. The claimant's application set out no basis on which reconsideration of the decision which I reached to strike out the Claimant's discrimination and breach of contract claims was warranted whether on the grounds of an error of law or otherwise. I am satisfied that I applied the law correctly in this case and gave full reasons for the decision I reached at at the relevant hearing.
8. In my judgment, there are no reasonable prospects of the Judgment promulgated on 14 October 2019 being varied or revoked and the interests of justice do not require there to be a reconsideration of the Judgment. Accordingly, the Claimant's application for reconsideration fails and stands dismissed.

Employment Judge Wynn-Evans

12 December 2019