

RM



EMPLOYMENT TRIBUNALS

Claimant: Mr R Ewujowoh

Respondents: 1. Jennings Racing Ltd
2. Mr P Jowett
3. Mr M Rogers

JUDGMENT ON RECONSIDERATION APPLICATION

The Claimant's application by email sent on 9 September 2019 for reconsideration of the Judgment and Reasons sent to the parties on 22 August 2019 is refused.

REASONS

1. The reasons for the Tribunal's Judgment on the application for reconsideration are set out herein only to the extent that the Tribunal considers it necessary to do so in order to explain its decision, and only to the extent that it is proportionate to do so.
2. The Claimant's application for reconsideration of the reserved Judgment which was sent to the parties on 22 August 2019 was set out in a seven page letter dated 9 September 2019 attached to an email of the same date. It was subsequently supplemented by (i) a statement from the Claimant's representative during the hearing, Mr S Martins, dated 26 September 2019; and (ii) email correspondence between Mr Martins and the Respondents' solicitor, copied to the Tribunal by the Claimant by email sent on 8 December 2019 at 14:22.
3. Any application for reconsideration falls to be considered under Rules 70 – 72 of the Employment Tribunals Rules of Procedure 2013. These provide, among other things, at Rule 71, that any such application must be made within 14 days of the date on which the written reasons were

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sent to the parties. That time frame was not complied with here. No reasons were provided by the Claimant for the delay and no request for an extension of time was made. The application is refused on that ground.

4. In any event, the application simply sought to raise arguments challenging the Tribunal's decisions and findings of fact.
5. A Tribunal can only reconsider its decision where it is in the interests of justice to do so: Rule 70. The Claimant in effect seeks 'a second bite of the cherry'. Such a quest is, on its face, contrary to the interests of justice, and undermines the important principle of the need to provide finality to the litigation.
6. Therefore, even if the application had been made in time, or an extension of time had been granted, there would not have been a reasonable prospect of the original decision being varied or revoked: Rule 72(1).
7. In all the circumstances, the application is refused under Rules 71, and in the alternative, under Rule 72(1) of the Employment Tribunals Rules of Procedure 2013.

Employment Judge Hyde

14 January 2020