



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms K Okonkwo

AND

T M Lewin and Sons Limited

Judgement

The Respondent's application dated 20 March 2020 for reconsideration of the Judgement sent to the parties on 9 March 2020 is refused.

Reasons

I have considered the application by the Respondent dated 20 March 2020 for a reconsideration of the Judgement sent to the parties on 9 March.

I have considered the request in accordance with the provisions set out in Rule 70 which provides that reconsideration is only appropriate where it is necessary in the interests of justice and under Rule 72 there is a reasonable prospect of the original decision being varied or revoked.

Reconsiderations are limited exceptions to the general rule that employment tribunal decisions should not be reopened and relitigated. It is not a method by which a disappointed party to proceedings can get a second bite of the cherry.

Reconsideration is not intended to provide parties with the opportunity of a rehearing at which the same evidence can be rehearsed with different emphasis, or further evidence adduced, which was available before.

A tribunal dealing with the question of reconsideration must seek to give effect to the overriding objective to deal with cases 'fairly and justly' — Rule 2.

In considering the application regard needs to be given to not only the interests of the party seeking the reconsideration, but also to 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.

I do not consider that the various matters referred to in the application for reconsideration would in accordance with the interests of justice make it appropriate for there to be a detailed reconsideration of the Judgement.

The detailed application for a reconsideration dated 20 March 2020 (9 pages) largely represents a repetition of arguments advanced as a part of the claim during the four-day hearing. The majority of the matters in the application letter were considered as a part of the evidence and submissions and are reflected in the Tribunal's decision.

There are some matters included in the application for reconsideration which did not form part of the original claim. For example, matters are referred to in the section on disability which would appear to relate to reasonable adjustments on account of disability, but which fell outside the list of disability issues set out at paragraphs 19 to 26 of the Judgement.

In relation to paragraph 81 of the Judgement whilst it is possible that the water splashing incident may have related to a colleague by the name of Sebastien rather than Mr Hanus I do not consider the identity of the individual concerned as being a material consideration to the Judgement and it not would be appropriate for this to be amended without both parties having the opportunity to address the point. However, I do not consider it would be proportionate for further evidence to be heard on this particular point, given that I do not consider it to be material to the decision.

Employment Judge Nicolle

Dated: **23 March 2020**

Sent to the parties on:

27/3/20

For the Tribunal Office