



EMPLOYMENT TRIBUNALS

Claimant: Mr Teodorescu

Respondent: Eat4Less and others

BEFORE: Employment Judge Martin

JUDGMENT ON RECONSIDERATION

The Claimant's application for a reconsideration of the Judgment dated 20 March 2020 is refused. The Judgment dated 12 March 2020 is hereby confirmed.

REASONS

1 On 8 December 2020 the Claimant made an application for a reconsideration of the Judgment dated 12 March 2020. No response has been received from any of the Respondents to that application. The claimant first wrote to the Tribunal in October 2020 stating that he was unable to enforce the judgement against the first respondent. Further correspondence ensued in November and December 2020 until the application was made for reconsideration of the Judgement dated 12 March 2020 on 8 December 2020 to request that the judgement be made against the fourth respondent – ROMS Limited.

2 The Tribunal considered Rules 70 – 72 of Schedule of the Employment

Tribunals (Constitution and Rules of Procedure) Regulations 2013 and the Claimant's application for reconsideration.

3 The Tribunal determined that it could deal with the application without a hearing.

4 The Tribunal noted that the Claimant's application for reconsideration was substantially out of time, however, it did consider the claimant's application nonetheless. The application is however effectively a request to reconsider evidence already heard by the Tribunal. The hearing on 12 March 2020 had been postponed from 17 December 2019 to enable the claimant to consider further who his employer was and against which respondent he wished to pursue his claim. During the course of the hearing on 12 March 2020, the claimant was asked on several occasions by Employment Judge Martin who he believed to be his employer and against whom he was pursuing his claim. He responded on each occasion to confirm that he believed his employer to be the first respondent and he was seeking judgement against the first respondent. The Tribunal does not find that the claimant has provided any new information to explain why he now considers the fourth respondent to be his employer and/or why he is seeking judgement against them as opposed to the first respondent, nor has he identified what new evidence has come to light since the Hearing on 12 March 2020 when he stated in evidence that his employer was the first respondent. The Tribunal has already made findings of fact based on the evidence presented at the Hearing on 12 March 2020.

5 If, contrary to the tribunal's finding that the claimant's application for reconsideration does purport to introduce new evidence, the Tribunal would have to consider any such new evidence in the light of the case of *Ladd v Marshall [1954]*

EWCA CIV1, which held that it must be shown that the fresh evidence could not have been obtained without reasonable diligence for use at the trial; secondly the evidence, if given, should have an important influence on the result of the case, although not necessarily be determinative. The case of *Ladd* also made it clear that the circumstances when a Court would grant leave to adduce new evidence must be very rare. In this case, the Tribunal does not consider that the evidence set out in the application for reconsideration, even if it could be considered to be new evidence, is evidence that could not have been obtained before the Hearing on 12 March 2020. The Tribunal has taken account of the fact that the claimant was given an opportunity at the earlier hearing on 17 December 2019 to consider against whom he should be bringing the proceedings and was given various opportunities during the course of the Hearing on 12 March 2020 to do so as well.

6 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 dated 12 March 2020 is dismissed.

Employment Judge Martin

Date 30 December 2020

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