



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P McQueen  
**Respondent:** General Optical Council

## JUDGMENT

The Claimant's application dated 29<sup>th</sup> December 2020 for a reconsideration of the Judgment sent to the parties on 17<sup>th</sup> December 2020 is refused under rule 72 of the Employment Tribunals Rules of Procedure 2013. It is not necessary in the interests of justice for this matter to be reconsidered.

## REASONS

1. Following the Judgment sent to the parties on 17<sup>th</sup> December 2020 the Claimant now applies for a reconsideration.
2. Under Rule 70 of the Employment Tribunal Rules of Procedure 2013 a Tribunal "may reconsider any judgment where it is necessary in the interest of justice to do so", and upon reconsideration the decision may be confirmed varied or revoked.
3. Rule 72 provides that an Employment Judge should consider the request to reconsider, and if the judge considers there is no reasonable prospect of the decision being varied or revoked, the application shall be refused. Otherwise it is to be decided, with or without a hearing, by the Tribunal that heard it.
4. Under the 2004 rules prescribed grounds were set out, plus a generic "interests of justice" provision, which was to be construed as being of the same type as the other grounds. These were that a party did not receive notice of the hearing, or the decision was made in the absence of a party, or that new evidence had become available since the hearing provided that its existence could not have been reasonably known of or foreseen at the time. The Employment Appeal Tribunal confirmed in [Outasight VB Ltd v Brown UKEAT/0253/14/LA](#) that the 2013 rules did not broaden the scope of the grounds for reconsideration (formerly called a review).
5. A reconsideration is not a means by which a party can reargue the case that was made at the hearing. Something particular is required to establish

this ground, beyond the fact that the party is disappointed with the decision.

6. In his application for reconsideration the Claimant says that it is necessary, and in the interests of justice, to reconsider the judgment because the judgment and the evidence “differ greatly” and “the details of the Claimant’s case and the judgment differ greatly.”
7. However, the submissions made by the Claimant are simply an attempt to reargue his case and to repeat, or elaborate on, evidence that the Tribunal has already heard and on submissions that have already been made. The Claimant does not agree with the conclusions of the Tribunal, but that is not sufficient for a reconsideration
8. The Claimant makes submissions on matters that the Tribunal has already considered and decided. He does not present new evidence that was not available and whose existence could not have been reasonably known of or foreseen at the original hearing. The Tribunal has heard and considered the evidence and submissions of both parties and come to a conclusion. There are no grounds for a reconsideration and no reasonable prospect of the original decision being varied or revoked.

---

Employment Judge F Spencer  
Dated 9<sup>th</sup> March 2021  
Corrected 26<sup>th</sup> April 2021

JUDGMENT SENT TO THE PARTIES ON

26<sup>th</sup> April 2021..

FOR THE TRIBUNAL OFFICE

Note: EJ Spencer apologises for the delay in this judgment. The offices at Victory House are currently shut and the Claimant’s application for a reconsideration did not come to her attention until 5<sup>th</sup> March 2021 following a chasing email from the Claimant.