



# EMPLOYMENT TRIBUNALS

**Claimant:** Wendy Adams  
**Respondent:** Lighthouse Vending Services Limited  
**Date:** 8/6/21

## JUDGMENT

In exercise of powers contained in Rule 72 of the Employment Tribunals Rules of Procedure 2013 (“ET Rules”), the respondent’s application of the 24<sup>th</sup> May 2021 for reconsideration of the judgment sent to the parties on the 11<sup>th</sup> May 2021 is refused because there is no reasonable prospect of the original decision being varied or revoked.

## REASONS

1. The claimant’s complaints of unfair dismissal and breach of contract were upheld by a judgment delivered orally on the 10<sup>th</sup> February 2021 following a 2-day hearing on 9<sup>th</sup> / 10<sup>th</sup> February 2021. This was confirmed in a written judgment sent to the parties on 11<sup>th</sup> May 2021, after a request for written reasons had been made by the respondent.
2. Rule 71 of the ET Rules requires that an application for reconsideration is made within 14 days of the written record being sent to the parties. The respondent made an application for reconsideration of the judgment on 24<sup>th</sup> May 2021. The application for reconsideration is therefore made in time.
3. Rule 72 (1) of the ET Rules provides:

*“An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. ...”*

4. The application for reconsideration appears to be made on the following grounds:
  - a. There was bias in the decision making;
  - b. There was a mistake in applying the law;
  - c. Incorrect findings of fact were made
5. During the hearing the respondent was able to give information, ask questions and raise issues, which he did. He had the opportunity to ask questions of all witnesses and advance all relevant arguments.
6. The claimant and respondent both as litigants in person were given appropriate assistance and support throughout the hearing and the Tribunal was careful to take steps throughout to ensure that the parties were on an equal footing in pursuance of the overriding objective. The issues between the parties had been explored at the commencement of the hearing. Extra documents which the claimant had said she had provided to the respondent, were provided to the Tribunal and respondent via e mail at the start of the hearing, and the respondent was allowed additional time before the hearing commenced to consider them.
7. The Tribunal gave all the issues full consideration and prepared its decision and reasons in detail. The respondent is, perhaps not surprisingly, unhappy with the outcome of the Tribunal as the decision was not in his favour.
8. The respondent seeks to challenge findings of fact that were made or the conclusions that the Tribunal reached from those findings. The application is an attempt to re-litigate what was explored in detail at the hearing. A reconsideration is potentially a route for a party to raise new matters, but only where these have subsequently come to light after the hearing and where that party can explain why the matter was not raised before. The respondent's application does not identify any new matters.
9. It is not the purpose of reconsideration to allow a party to dispute a determination that a party disagrees with and it is a fundamental requirement of litigation that there is certainty and finality. If conclusions made are disputed with regard to a whether a correct interpretation of the law was made, they are matters for an appeal which the respondent is able to make to the Employment Appeal Tribunal. These are not matters for a reconsideration request.
10. I have therefore exercised my discretion to refuse the application for reconsideration as there is no reasonable prospect of the judgment being varied or revoked. The respondent's application for a reconsideration is therefore rejected.

**I confirm this judgement has been electronically signed.**

Signed by: Employment Judge Beck

Signed on: 8/6/21