



EMPLOYMENT TRIBUNALS

Claimant: Mrs H Wormington-Jones

Respondent: Devon Eye Centres Ltd (1)
Mr A Jones (2)

JUDGMENT ON APPLICATION FOR RECONSIDERATION

This reconsideration has been considered without a hearing. Neither party has requested one. A hearing is not in the interests of justice. The judgment of the tribunal is that the claimant's application for reconsideration is refused because there is no reasonable prospect of the decision being varied or revoked.

REASONS

1. The claimant has, by letter of 15 June 2021, applied for a reconsideration of the judgment dated 14 June 2021 which was sent to the parties on 18 June 2021 ("the Judgment"). Oral reasons were given at the hearing on 14 June and no Written Reasons have been requested. My provisional view was expressed to the parties by letter of 23 June 2021 and comment was invited. A response was received from the respondent on 24 June 2021 and from the claimant on 24 June 2021. I have considered both of these.
2. Schedule 1 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 contains the Employment Tribunal Rules of Procedure 2013 ("the Rules"). Under Rule 71 an application for reconsideration under Rule 70 must be made within 14 days of the date on which the decision (or, if later, the written reasons) were sent to the parties. The application was therefore received within the relevant time limit.
3. The grounds for reconsideration are only those set out in Rule 70, namely that it is necessary in the interests of justice to do so.
4. The grounds relied upon by the claimant are set out in her letter of 15 June 2021.
5. The matters raised by the claimant were considered in the light of all of the evidence presented to the tribunal before it reached its decision. The Employment Appeal Tribunal ("the EAT") in *Trimble v Supertravel Ltd* [1982] ICR 440 decided that if a matter has been ventilated and argued

then any error of law falls to be corrected on appeal and not by review. In addition, in Fforde v Black EAT 68/60 the EAT decided that the interests of justice ground of review does not mean “that in every case where a litigant is unsuccessful he is automatically entitled to have the tribunal review it. Every unsuccessful litigant thinks that the interests of justice require a review. This ground of review only applies in the even more exceptional case where something has gone radically wrong with the procedure involving a denial of natural justice or something of that order”. This is not the case here. In addition it is in the public interest that there should be finality in litigation, and the interests of justice apply to both sides.

6. Accordingly I refuse the application for reconsideration pursuant to Rule 72(1) because there is no reasonable prospect of the Judgment being varied or revoked.

Employment Judge Christensen
Date: 01 July 2021

Judgment and Reasons sent to the Parties: 08 July 2021

FOR THE TRIBUNAL OFFICE