



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mrs Veselinova

v

Fala Limited

Watford Employment Tribunal

Employment Judge Allen

JUDGMENT ON RECONSIDERATION

1. Upon the Claimant's application under Rule 71 (Schedule 1, Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013) ("Rules") to reconsider the decisions of fact made by the tribunal judge at the full merits hearing.
2. The Judgment of the Employment Tribunal is that there is no reasonable prospect of the judgment of 11 May 2021 being varied or revoked.
3. The claimant's reconsideration application (hereinafter referred to as the Application) dated 28 May 2021 is dismissed.

REASONS

1. Under Rule 72 of the Employment Tribunals Rules of Procedure 2013, the Employment Judge has considered the Claimant's application for reconsideration and has determined that there are no reasonable prospects of the original decision being varied or revoked, because:
 - 1.1. The points that the Claimant makes in her application are points that she made at the full merits hearing on 26 February 2021.
 - 1.2. The application for reconsideration is an attempt to re-argue the reasons why she considers that her claim of unfair dismissal for an unfair reason should have succeeded.

- 1.3. The Tribunal has already set out in detail in the judgment issued on 17 May 2021, the reasons why the Tribunal decided as it did.
 - 1.4. The Claimant's application for reconsideration expands upon points made, or which could have been made at the hearing on 26 February 2021.
 - 1.5. The application does not set out any new reasons why the Tribunal should reconsider its decision.
 - 1.6. There are no new reasons put forward as to why the interests of justice require the decision to be reconsidered.
 - 1.7. None of the matters raised by the Claimant are such that they would give any reasonable prospect of the original decision being varied or revoked.
2. The Claimant's application for reconsideration of the judgment of 26 February 2021 is refused for the reasons stated above under Rules 70 and 72 of the Employment Tribunals Rules 2013. The judgment promulgated to the parties on 17 May 2021 is confirmed.
 3. Under Rule 70, a judgment will only be reconsidered where it is necessary in the interests of justice to do so. This means having regard not only to the interests of the party seeking the reconsideration but also 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.
 4. The Tribunal dealing with the question of reconsideration must seek to give effect to the overriding objective to deal with cases fairly and justly. This obligation is provided in Rule 2 of the 2013 Regulations.
 5. The procedure upon an application is for the Employment Judge that heard the case or gave the judgment in question to consider the application and determine if there are reasonable prospects of the original decision or judgment being varied or revoked. There must be some basis for reconsideration. **It is insufficient for an applicant to apply simply because he or she disagrees with the decision.**
 6. In Outasight VB Ltd v Brown 2015 ICR D11, EAT, Her Honour Judge Eady QC said:

“The interests of justice have thus long allowed for a broad discretion, albeit one that must be exercised judicially, which means having regard not only to the interests of the party seeking the review or 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”
 7. HHJ Eady also referred in that case to the rules for reconsideration set out in the previous Employment Tribunal rules of procedure: “...the 2004 ET Rules,

which governed the review of Judgments and other decisions; in particular, Rule 34(3):

“Subject to paragraph (4), decisions may be reviewed on the following grounds only —

- (a) the decision was wrongly made as a result of an administrative error;
- (b) a party did not receive notice of the proceedings leading to the decision;
- (c) the decision was made in the absence of a party;
- (d) new evidence has become available since the conclusion of the hearing to which the decision relates, provided that its existence could not have been reasonably known of or foreseen at that time; or
- (e) the interests of justice require such a review.”

- 8. Those remain useful examples of the circumstances in which a reconsideration might be appropriate but are all, in reality, examples of circumstances where it may be in the interests of justice to reconsider the decision.
- 9. In the circumstances it is not in the interests of justice to reconsider the judgment. To allow the claimant a second opportunity to argue the issues of the full merits hearing would be unjust to the respondent and would infringe the principle that it is in the public interest that there should be finality in litigation.
- 10. The Application is refused.

Employment Judge Allen
15.07.2021

Date:

Sent to the parties on: .19.07.2021..

.....THY.....
For the Tribunal Office