



EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT

V

RESPONDENT

Ms I Akaluogbo

Total Facilities Recruitment
Ltd

JUDGMENT

UPON an application by the Claimant for reconsideration pursuant to Rule 70 of the Employment Tribunal Rules, the application is refused, as there are no reasonable prospects of the Judgment being varied or revoked.

REASONS

1. Rule 70 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 provides that an Employment Tribunal may, either on its own initiative or on the application of a party, reconsider a judgment where it is necessary in the interests of justice to do so. On reconsideration, the judgment may be confirmed, varied or revoked.
2. Rule 71 states that an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary. In this case, a reserved judgment was sent to the parties on 16 July 2021 and the request for reconsideration was received by the Employment Tribunal on 28 July 2021. The request for reconsideration was therefore received within the 14 days.
3. Rule 72(1) states that 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. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.

4. Rule 72(2) states that if the application has not been refused under Rule 72(1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under Rule 72(1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing, the parties shall be given a reasonable opportunity to make further written representations.
5. The application for reconsideration in this case is lengthy, extending to 14 pages. Having read it, I am of the view that it is simply an attempt to re-argue the very same case that was argued at the hearing. I considered very carefully the evidence at the hearing in June, including witness statements and oral testimony. I also considered those pages in the Respondent and Claimant bundles that I needed to in order to determine the claims. Nothing in the application for reconsideration persuades me that there is any prospect of that decision being varied or revoked. For this reason, the application for reconsideration is refused.

Employment Judge Hyams-Parish
Date: 5 August 2021

Sent to the parties on
Date: 6 August 2021

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