



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms K Kohli

**Respondent:** Department for International Trade

## RECONSIDERATION JUDGMENT

The claimant's application dated 9 November 2021 for reconsideration of the judgment sent to the parties on 27 October 2021 is refused.

## RECONSIDERATION REASONS

There is no reasonable prospect of the original decision being varied or revoked, because it would not be in the interests of justice to do so. The reasons for this are as follows:

1. There is a need for finality in litigation. A reconsideration process is not a method for a disappointed party to have a second bite of the cherry.
2. The List of Issues had been set out at an earlier case management hearing before EJ Segal QC. The reference to it not being 'set in stone' was to allow for minor amendments due to the shortage of time to finesse the original draft but this did not allow for additional points to be raised at the hearing, particularly where the respondent was not on notice that those points would be issues for the hearing. In the event, the tribunal did allow some latitude to the claimant by including a reasonable adjustments claim to be heard which was not originally on the List of Issues.
3. The claimant sought to amend her particulars of claim and the List of Issues by an application dated 4 October 2021. This was refused by EJ Baty. The claimant was aware of the issues which were to be determined at the hearing and a request to reconsider the final Judgment is not the appropriate process for re-opening that decision.
4. The List of Issues was again discussed at the outset of the hearing and the version set out by EJ Segal QC was adopted with the addition of the reasonable adjustments claim.

5. The tribunal has made findings of fact. It is to be expected that some of these will not be to the liking of the parties but a reconsideration application is not an opportunity to re-hear the case.
6. The reconsideration application includes medical evidence which was not before the tribunal. No explanation has been provided why it was not before the tribunal. It is not evidence which has come to light since the hearing.
7. If the claimant believes the tribunal has made errors of law or applied the law incorrectly, this is a matter for appeal, not reconsideration.

For these reasons, the reconsideration request is refused as it would not be in the interests of justice to reconsider the Judgment.

Employment Judge Davidson

Date 25 November 2021

JUDGMENT SENT TO THE PARTIES ON

26 November 2021

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FOR EMPLOYMENT TRIBUNALS