



EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT

V

RESPONDENT

Mr S Baker

OMG Group Ltd

JUDGMENT

This application by the claimant for reconsideration has been considered by Employment Judge Hyams-Parish who has concluded that there are no reasonable prospects of the judgment, sent to the parties on 22 September 2021, being varied or revoked. The application is therefore refused.

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, judgment was given orally at the hearing on 16 September 2020 and written reasons were sent to the parties on 22 September.
3. Under Rule 70, a judgment will only be reconsidered where it is necessary in the interests of justice to do so. This allows a Tribunal a broad discretion to determine whether reconsideration of a judgment is appropriate in the circumstances. The discretion must be exercised judicially, which 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 procedure upon a reconsideration application is for the Employment Judge that heard the case to consider the application and determine if there are reasonable prospects of the judgment being varied or revoked. Essentially, this is a reviewing function in which I must consider whether there is a reasonable prospect of reconsideration in the interests of justice. There must be some basis for reconsideration. It is not sufficient that a Claimant simply disagrees with the decision. If I consider that there is no such reasonable prospect, then the application shall be refused. Otherwise, the original decision shall be reconsidered at a subsequent reconsideration hearing.
5. In this case, I have treated the claimant's letter to the Senior President of the Tribunals, dated 23 September 2021, as an application for reconsideration. In it, the claimant makes some general complaints about the conduct of the hearing and then the second part relates to the claim itself.
6. I have considered the second part of the application but have concluded that the claimant is simply attempting to re-argue the same case heard by me in September. I have concluded that the claimant raises no points which persuades me that there are prospects of the decision in this case being varied or revoked.
7. As far as the general complaints about the hearing are concerned, the application for reconsideration has no merit. I would just comment, however, that the claimant's wife was not prevented from assisting the claimant to present his case, as is alleged. She was informed that she would have to leave the hearing room if she continued to signal to the claimant when he was giving evidence, or attempt to answer questions for him.
8. For the above reasons, this application is refused.

Employment Judge Hyams-Parish
Date: 20 December 2021

Sent to the parties on
Date: 29 December 2021