



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Ekoue

**Respondent:** Samworth Brothers t/a Bradgate Bakery

## JUDGMENT ON A RECONSIDERATION

The Claimant's application for a reconsideration is refused because there is no reasonable prospect of the decision being varied or revoked.

## REASONS

### Background

*Judgment dated 3 December 2021*

1. This case was subject to a preliminary hearing before me on 16 & 17 June 2021. I made a reserved judgment as follows:

*"1. The claimant's application to amend his claim to include allegations one, two and three is refused.*

*2. Allegation four is struck out because it has no reasonable prospect of success."*

2. The Claimant made an application for a reconsideration of my decision on 19 December 2021. I refused his application because there was no reasonable prospect of the decision being varied or revoked.

*Judgment and case management summary dated 14 January 2022*

3. Subsequently, the parties attended a further open preliminary hearing on 13 January 2022 in respect of case numbers 2602606/2021 and 2604500/2021.

4. Case number 2602606/2021 was struck out because the Tribunal does not have jurisdiction to hear it - the claim was a complaint that the Respondent failed to comply with its disclosure obligations in a previous preliminary hearing.
5. Case number 2604500/2021 is a claim for wages and was permitted to proceed, albeit the Claimant is subject to an unless order in respect of the provision of the detail of his claim.

**The reconsideration application**

6. The Claimant's application is twofold. The first element is a reconsideration of my judgment dated 14 January 2022.
7. The second element, however, is a reconsideration of my earlier judgment dated 3 December 2021 which has already been the subject of a reconsideration application (paragraph 2 above).
8. A second application for a reconsideration is not prohibited under The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the Rules"). However, the Claimant must show special reasons why it should be allowed to proceed, and such application will only be successful in the most 'exceptional circumstances' - *Raybright T.V. Services Ltd. v Smith 1973 ICR 640, NIRC*.

**Conclusions**

*Judgment dated 14 January 2022*

9. The Claimant's application focuses on *why* he believes that the Respondent was in breach of its disclosure obligations (despite me already recording that it was not). However, he fails to explain why the interests of justice require my decision to be reconsidered. Absent that explanation, the application for a reconsideration is refused because there is no reasonable prospect of my decision being varied or revoked.

*Judgment dated 3 December 2021*

10. This is a second application for a reconsideration of my judgment dated 3 December 2021.
11. The Claimant simply explains again why he disagrees with my original decision. He fails to advance any special reason why I should reconsider it for a second time. Accordingly, the application for a reconsideration is refused because there is no reasonable prospect of my decision being varied or revoked

Employment Judge Victoria Butler

Date: 4 February 2022

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