



EMPLOYMENT TRIBUNALS

Claimant: Mrs Thompson
Respondent: Miller Graphics Corniche Limited
Heard at: Leeds (on paper) **On:** 2 March 2022
Before: Employment Judge Knowles

JUDGMENT UPON RECONSIDERATION

1. The Respondent's application dated 25 January 2022 for reconsideration of the judgment sent to the parties on 13 January 2022 is refused.
2. The Claimant's application for reconsideration dated 1 February 2022 is refused.

REASONS

1. The Respondent has made an in-time application for reconsideration of the Judgment that a Tribunal panel which I chaired reached which was sent to the parties on 13 January 2022.
2. The Claimant, in her response to the Respondent's application, has made a counter application for reconsideration.
3. The premise of the application by the Respondent is that the Tribunal erred in assessing the percentage chances that the Claimant would have been dismissed had a fair procedure have been followed.
4. There must be finality in proceedings and the reconsideration process should not generally be used to gain a "second bite at the cherry" (*Todd t/a Hygia Professional Training v Cutter UKEAT/0063/07*).
5. Taking into account the grounds of the application for reconsideration and considering them in the round with the comments above, my conclusion is that the Respondent has had a fair opportunity to address the Tribunal on any points of substance at the last hearing.
6. The Tribunal's assessment of the percentage chances of the Claimant being

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dismissed had a fair procedure been followed by the Respondent takes into account the fact that she may be pooled with 4 people however it also reflects the Tribunal's assessment of the Claimant's prospects of competing within that pool based on all of the evidence we heard and our findings concerning her performance and experience in relevant areas.

7. There is no reasonable prospect of the original decision being varied or revoked for those reasons.

8. The Claimant's application for reconsideration has been made outside of the time limit for making such an application and is accordingly refused.

Employment Judge Knowles

2 March 2022