



EMPLOYMENT TRIBUNALS

Claimant: Mr K Hopkins
Respondent: Ministry of Defence

JUDGMENT

The claimant's application for reconsideration of the judgment of the Tribunal that was sent to the parties on 10 May 2022 is refused.

REASONS

1. By an email dated 24 May 2022, the claimant, by his representative, seeks reconsideration of the tribunal's reserved Judgment in this matter that was given on 9 May 2022 and sent to the parties on 10 May. By that judgment the tribunal dismissed the claimant's complaints against the respondent.
2. A tribunal has power to reconsider any judgment where it is necessary in the interests of justice to do so: Rule 70. The claimant's application for a reconsideration under r 71 must first be considered by me as the judge who chaired the full tribunal which made it. If I consider there is no reasonable prospect of the original decision being varied or revoked, I must refuse the application. If I consider that there is some reasonable prospect of the original decision being varied or revoked I must seek a response from the respondent and seek the views of the parties on whether the matter can be determined without a hearing. The application is then to be determined by the full tribunal, whether it is dealt with at a hearing or on the papers.
3. Simler P said in *Liddington v 2Gether NHS Foundation Trust* UKEAT/0002/16/DA:

"A request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there

should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered. Tribunals have a wide discretion whether or not to order reconsideration.”

4. The basis of the claimant’s application, in essence, is that he disagrees with the tribunal’s assessment of the evidence and is seeking to reargue the case. The claimant is of course entitled to disagree with the tribunal’s assessment of the evidence. That is not a proper basis on which to overturn the judgment, however.
5. There is nothing in the grounds advanced on behalf of the claimant that could lead the tribunal to vary or revoke its decision. I consider there is no reasonable prospect of the original decision being varied or revoked. It follows that I must refuse the application.

Employment Judge Aspden

Date 26 May 2022