



EMPLOYMENT TRIBUNALS

Claimant: Mr Gary Lewis

Respondent: Dow Silicones UK Limited

JUDGMENT

The Claimant's application dated 6 July 2022 for reconsideration of the judgment sent to the parties on 22 June 2022 is refused.

REASONS

1. An application for reconsideration is an exception to the general principle that (subject to an appeal on a point of law) a decision of the Employment Tribunal is final.
2. Rule 70 ET Rules 2013 sets out the test on reconsideration which is whether it is necessary in the interests of justice to reconsider the judgment. Pursuant to Rule 72(1) I may refuse an application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.
3. It is my conclusion that there is no reasonable prospect of the original decision of 22 June 2022 being varied or revoked, because having reviewed:
 - a. my notes of the evidence given at the hearing on 15 June 2022;
 - b. the judgment sent to the parties on 22 June 2022; and
 - c. the letter from the Claimant dated 6 July 2022,

I am satisfied that the letter of 6 July 2022 contains, not only evidence which I took into account in reaching my decision, but also evidence and additional submissions which were not specifically addressed or put before me at the hearing on 15 June 2022, whether by way of references to the evidence contained in the written statements, in oral evidence or submissions by the Claimant's counsel.

4. I am also satisfied that, despite having the opportunity to put such matters to the Respondent's witnesses on cross-examination, and/or address such matters by way of submissions at the hearing on 22 June 2022, when the Claimant did not conduct the case as a litigant in person but was represented by counsel, the Claimant's legal representative did not take that opportunity.
5. An application under Rule 70 is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or reargue matters in a different way or by adopting points previously omitted and there is an underlying public policy principle in all judicial proceedings that there should be finality of litigation, and reconsideration applications are a limited exception to that rule.

Employment Judge R L Brace

Date : 12 August 2022

JUDGMENT SENT TO THE PARTIES ON 17 August 2022

FOR THE TRIBUNAL OFFICE Mr N Roche