



EMPLOYMENT TRIBUNALS

Claimant: Mr A Sandhu

Respondent: Carter Synergy Limited

DECISION ON RECONSIDERATION APPLICATION

The claimant's application for reconsideration of the judgment sent to the parties on 26 September 2022 (with written reasons being sent on 20 October 2022) is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. Rule 71 of the Employment Tribunals Rules of Procedure 2013 ("ET Rules") requires that an application for reconsideration is made within 14 days of the written record being sent to the parties. The written reasons were sent to the parties on 20 October 2022 (following a request from the claimant). The claimant submitted a request for reconsideration on 2 November 2022, so it has been made in time. The Tribunal sends its apologies to the claimant for the delay in dealing with his reconsideration application.
2. The grounds for reconsideration are set out in rule 72 (1) of the ET Rules: *"An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. ..."*
3. The application for reconsideration appears to be made largely on the basis that the claimant believes that one of the respondent's witnesses lied and wants to submit further evidence supporting the claimant's position. He disagrees with the findings of fact made by the Tribunal on several issues and contends that had he been unaware that written statements submitted did not hold the same weight as the evidence of those attending in person.

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He also disputes findings of fact made where the Tribunal placed more weight on the respondent's evidence than his own. He also makes references to documents that if provided could have supported his case.

4. The hearing (held over 2 days for evidence and submissions, with an oral decision being delivered on day 3) was the claimant's opportunity to give information, ask questions and raise issues, which he did. He had the opportunity to advance all relevant arguments. The evidence was considered carefully, the legal tests applied, and the decision and reasons provided to the parties at the time. The allegations were fully explored. The Tribunal gave the issues full consideration and prepared its decision and reasons in detail. The claimant is, perhaps not surprisingly, unhappy with the outcome of the Tribunal as the decision was not in his favour.
5. A request for reconsideration is not an opportunity for a party to seek to re-litigate matters; it does not entitle a party who is unhappy with or disagrees with the decision to re-open issues that were determined. A reconsideration is potentially a route for a party to raise new matters, but only where these are of direct relevance and have subsequently come to light after the hearing and where that party can explain why the matter was not raised before.
6. I have read through the application for reconsideration in detail. The claimant makes points about the findings of fact, and why he says that they were incorrect. However strongly the points are made, there is nothing in the application for reconsideration which indicates that it is in the interests of justice to re-open matters. The substance of the claimant's application is to challenge findings of fact that were made or the conclusions that the Tribunal reached from those findings. The application is an attempt to re-litigate what was explored in detail at the hearing. The claimant's application does not identify any new matters but largely makes points already raised at the hearing itself arguing that further evidence can be supplied to back up his original position.
7. It is a fundamental requirement of litigation that there is certainty and finality. If conclusions are disputed on a point of law, i.e. if a party can identify flaws in the legal reasoning of the original decision, they are matters for an appeal, not a reconsideration.
8. There is no clear reason given as to why it would be in the interests of justice to reconsider. I have therefore exercised my discretion to refuse the application for reconsideration as there is no reasonable prospect of the judgment being varied or revoked. The claimant's application for a reconsideration is therefore rejected.

Employment Judge Flood
15 December 2022