



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms A Lacatus

**Respondents:** (1) Barclays Execution Services Limited  
(2) Mr J Kinghorn

## RECONSIDERATION JUDGMENT

The claimant's application dated **25 November 2022** for reconsideration of the judgment sent to the parties on **28 October 2022** is refused.

### REASONS

1. In my judgment there is no reasonable prospect of the original decision being varied or revoked.
2. Under Rule 70 of the Tribunal Rules 2013 I may only reconsider a judgment where it is in the interests of justice to do so. On a reconsideration the judgment may be confirmed, varied or revoked.
3. The reconsideration power is a limited one this is because there is an important principle of the finality and certainty of litigation.
4. Under Rule 71 a reconsideration application must set out why reconsideration is necessary.
5. Under Rule 72 if I consider there is no reasonable prospect of the decision being varied or revoked, then I shall refuse the application. Otherwise I see the view of the Respondent and ask whether the application can be heard without a hearing.
6. The Respondent has sent in a response. I am not required to consider it at this stage.
7. Nothing in the 'background' at paragraphs 4-12 of the Claimant's application persuades me that it is in the interests of justice to reconsider. The strike out application was made and I decided it at an appropriate time.

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8. I was not misled by the Respondent as to the length of the hearing, as asserted at paragraphs 13-22. My decision was not affected by the estimated length of the hearing. I wrote this clearly in my judgment, paragraph 19.
9. In relation to paragraph 23-28, I did not proceed on the basis that endometriosis is a progressive disease. I did refer to the Liability Judgment findings about how the symptoms of it progressed. That is an entirely different point (paragraphs 28 and 31).
10. In relation to paragraph 30-38 of the application, I understood and took into account the arguments the Claimant makes but rejected them. It is not in the interests of justice to look at them again. My decision was based solely on the question whether the remedy issue had no prospect of success.
11. In relation to paragraph 39-45. I was not misled by the Respondent's submissions as to hours. I noted the Claimant's submissions on hours (my paragraph 17.2) and comparative disadvantage (paragraph 17.3) and I used the liability decision to understand the case on hours (paragraph 22-25 of my judgment).
12. The Claimant has not persuaded me that it is in the interests of justice to reconsider my judgment. I do not do so.

**Employment Judge Moor  
Dated: 16 December 2022**