



EMPLOYMENT TRIBUNALS

Claimant: Mr Cornell Bond
Respondent: Apple Retail UK LTD
Before: Employment Judge L Burge

RECONSIDERATION OF OPEN PRELIMINARY HEARING JUDGMENT

The Claimant's application dated 3 November 2022 for reconsideration of the Open Preliminary Hearing Judgment sent to the parties on 20 October 2022 is refused.

REASONS

1. Rule 72(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (the "Rules") enable an Employment Judge to refuse an application for reconsideration if they consider that there is no reasonable prospect of the original decision being varied or revoked. The test is whether it is necessary in the interests of justice to reconsider the judgment (Rule 70).
2. Preliminary consideration under Rule 72(1) must be conducted in accordance with the overriding objective which appears in Rule 2, namely that cases should be dealt with fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, and avoiding delay.
3. As explained at the hearing, the extension of time for the deadline of providing further particulars on the historical complaints was only if the Tribunal decided it had jurisdiction to hear those complaints. The Tribunal decided they were brought out of time and so no further particulars were required.
4. The Claimant made the decision to withdraw part of his claim and so it no longer forms part of his claim. Achieving finality in litigation is part of a fair and just process. It is not in the interests of justice for the decision to be reconsidered.

5. The rest of the Claimant's application seeks to re-argue the issues that were considered at the Preliminary Hearing and subsequently decided upon. Achieving finality in litigation is part of a fair and just process.
6. It is not in the interests of justice for the decision to be reconsidered. There is no reasonable prospect of the original decision being varied or revoked.

EJ L Burge

25 November 2022