



## EMPLOYMENT TRIBUNALS

**Claimant** Ms S Ayub  
**Respondent** Glam Rocks Ltd

**Upon application** made by the Claimant letter dated 9 January 2023 which is treated as an application to reconsider the judgment dated 3 January 2023 under rule 71 Employment Tribunals Rules of Procedure 2013 and without a hearing,

### Judgment

The Claimant's application for reconsideration of the judgment in respect of an award of further compensation, in the sum of £40,189.20 (based on 40 hours per week x £15.65 per hour x 64.2 weeks) for stress, inconvenience and distress in having to see a counsellor, 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. The importance of finality was confirmed by the Court of Appeal in **Ministry of Justice v Burton and anor** [2016] EWCA Civ 714 and **Liddington v 2Gether NHS Foundation Trust** EAT/0002/16 in which Simler P said that a

*'request for reconsideration 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. 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. They are not a means by which to have a second bite of 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”*

4. Having reviewed
  - a. my notes of the evidence given by the Claimant at the hearing on 3 January 2023;
  - b. the witness statement of the Claimant;
  - c. the documents from the Bundle, in particular the Claimant’s Schedule of Loss at [287];
  - d. my judgment sent to the parties on 6 January 2023;
  - e. the letter from the Claimant of 9 January 2023.

I am satisfied that I took into account the evidence that the Claimant gave in relation to counselling, in reaching my decision not to award the Claimant further compensation for stress, inconvenience and distress arising from the unpaid wages and the need for the Claimant to undergo counselling.

5. The purpose of the reconsideration is not to provide the parties with the opportunity of adducing further evidence and there is a strong public interest that there should, so far as possible, be finality of litigation.

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**Employment Judge R Brace**

**Date 10 January 2023**

JUDGMENT and WRITTEN REASONS SENT TO THE PARTIES ON 11 January 2023

FOR THE TRIBUNAL OFFICE Mr N Roche