



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs A Kudla

**Respondent:** Formation Furniture Limited (In Administration) (1)  
Secretary of State for Business, Energy and Industrial  
Strategy (2)

## JUDGMENT

The Claimant's application dated 31 January 2023 for reconsideration of the judgment sent to the parties on 13 January 2023 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 in **Liddington v 2Gether NHS Foundation Trust** EAT/0002/16 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. There is no reasonable prospect of the original decision being varied or revoked, because having reviewed:
  - a. her judgment sent to the Claimant on 13 January 2023; and
  - b. the email from the Claimant dated 31 January 2023

Employment Judge Brace is satisfied that the letter of 31 January 2023 contains not only matters which she took into account in reaching her decision, but also additional matters which were not put before her for the hearing on 12 January 2023, whether in the Claimant’s ET1, or the Claimant’s emails of 10 August 2022 and/or 11 October 2022.

5. She is also satisfied that, despite having the opportunity to put such matters forward to explain why she did not present her complaint in time, the Claimant did not take that opportunity.
6. 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 14 February 2023**

JUDGMENT SENT TO THE PARTIES ON

.....20 February 2023.....

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FOR THE TRIBUNAL OFFICE