



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Matthews  
**Respondent:** Tees Valley Community Asset Preservation Trust

## JUDGMENT

The claimant's application for reconsideration of the judgment of the Tribunal made on 11 July 2022 that his complaint of unfair dismissal was not well founded is refused.

## REASONS

1. By an email dated 23 July 2023, the claimant seeks reconsideration of one element of my Judgment that was given orally at a hearing on 11 July 2022 and sent to the parties on 20 July 2022. By that judgment I dismissed the claimant's complaint of unfair dismissal against the respondent.
2. A tribunal has power to reconsider any judgment where it is necessary in the interests of justice to do so: Rule 70. The claimant's application for a reconsideration under r 71 must first be considered by me on the papers. If I consider there is no reasonable prospect of the original decision being varied or revoked, I must refuse the application. If I consider that there is some reasonable prospect of the original decision being varied or revoked I must seek a response from the respondent and seek the views of the parties on whether the matter can be determined without a hearing.
3. Simler P said in *Liddington v 2Gether NHS Foundation Trust* UKCAT/0002/16/DA:

"A request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a

limited exception to that rule. They are not a means by which to have a second bite at 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. Tribunals have a wide discretion whether or not to order reconsideration.”

4. The basis of the claimant’s application, in essence, is that he disagrees with my assessment of the evidence and is seeking to reargue the case. The claimant is of course entitled to disagree with my assessment of the evidence. That is not a proper basis on which to overturn the judgment, however.
5. There is nothing in the grounds advanced on behalf of the claimant that could lead me to vary or revoke my decision. I consider there is no reasonable prospect of the original decision being varied or revoked. It follows that I must refuse the application.

Employment Judge Aspden

8 November 2022