



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms M Farnan

**Respondent:** Infor (United Kingdom) Limited

## JUDGMENT

The Claimant's application dated 17 March 2023 for reconsideration of the Judgment dated 15 February 2023 and sent to the parties on 7 March 2023 is refused under rule 72 of the Employment Tribunals Rules of Procedure 2013. There is no reasonable prospect of the original decision being varied or revoked. It is not necessary on the interests of justice for this matter to be reconsidered.

## REASONS

1. Under Rule 70 of the Employment Tribunal Rules of Procedure 2013 a Tribunal "may reconsider any judgment where it is necessary in the interests of justice to do so", and upon reconsideration the decision may be confirmed, varied, or revoked. However a reconsideration hearing is not a means by which a party can have a second shot at arguing her case. Something particular is required to establish this ground, beyond the fact that a party is disappointed with the decision.
2. Rule 72 provides that an Employment Judge should consider the request to reconsider, and if the judge considers there is no reasonable prospect of the decision being varied or revoked, the application shall be refused. Otherwise, it is to be decided, with or without a hearing, by the Tribunal that heard it.
3. Under the 2004 rules prescribed grounds were set out, plus a generic "interests of justice" provision. The prescribed grounds were that the decision was made because of an administrative error, a party did not receive notice of the hearing, the decision was made in the absence of a party, or that new evidence had become available since the hearing provided that its existence could not have been reasonably known of or

foreseen at the time. As for the interests of justice test, the case law establishes that while this allows for a broad discretion, it must be exercised judicially, which means having regard not only to the interests of the party seeking the reconsideration, but also to the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.

4. The Employment Appeal Tribunal confirmed in Outasight VB Ltd v Brown UKEAT/0253/14/LA that the 2013 rules did not change the approach to be adopted or broaden the scope of the grounds for reconsideration. A reconsideration is not a means by which a party can reargue the case that was, or could have been, made at the hearing. Something particular is required to establish this ground, beyond the fact that the party is disappointed with the decision.
5. The Claimant's application discloses no proper grounds for reconsideration.
6. Paragraph 1. This ground for a reconsideration is no more than a statement that the Claimant disagrees with the finding of the Tribunal. The Judgment expresses the unanimous findings of the panel. If the Claimant considers that such a finding, prior to the outcome of an appeal to the Employment Appeal Tribunal, is an error of law, that is a matter for appeal.
7. Paragraph 2. This also is no more than a statement that the Claimant disagrees with the finding of the Tribunal. The reasons why the Tribunal found that the Claimant's conduct of the proceedings had been unreasonable is set out in our reasons. The Claimant had the opportunity to make all relevant representations at the Costs hearing.
8. Paragraph 3. The Tribunal took into account the fact that the Claimant had been unemployed since April 2022. If the Claimant considers that the finding of the Tribunal is perverse, that is properly a matter for appeal.

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Employment Judge F Spencer  
Dated 3 April 2023

JUDGMENT SENT TO THE PARTIES ON

03/04/2023

FOR THE TRIBUNAL OFFICE