



EMPLOYMENT TRIBUNALS

Claimant: Mr Noris Rosario

Respondent: Hellermann Tyton UK Limited

JUDGMENT

The claimant's application dated **25 April 2023** for reconsideration of the judgment sent to the parties on **14 April 2023** is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. The application from the claimant for reconsideration is comprised in four email messages namely 22 April 2023 timed at 17:02, 23 April 2023 timed at 22:15, 24 April 2023 timed at 08:35 and 25 April 2023 timed at 22:03 ("the Application").

2. I have considered all four messages in detail. There is considerable repetition. I apprehend that the message of 25 April 2023 is the message which contains the main application for reconsideration. It comprises 159 numbered paragraphs. However, I have considered the contents of all the messages in detail.

3. I have considered the relevant rules of procedure namely Rules 70-73 of Schedule I to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the 2013 Rules").

4. I note that the one ground for reconsideration is now that it is necessary in the interests of justice so to do.

5. In **Outasight VB Ltd v Brown 2015 ICR D11, EAT**, Her Honour Judge Eady QC (as she then was) accepted that the wording '*necessary in the interests of justice*' in Rule 70 allows employment tribunals a broad discretion to determine whether reconsideration of a judgment is appropriate in the circumstances. However, this discretion must be exercised judicially: '*which means having regard not only to the interests of the party seeking the review or 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*'.

6. The Application is long and discursive. I conclude that the Application is in reality an attempt to re-hear the case which was dealt with over 5 days in January 2023

with later deliberations by the Tribunal. That is no basis on which to reconsider the Judgment.

7. The claimant complains that the Tribunal restricted his case particularly in relation to the date of the alleged protected disclosure. The Tribunal followed the clarification of the claimant's case which was produced after a detailed and lengthy (3 day) case management hearing on 18, 19 and 20 February 2020.

8. The claimant raises issues in relation to the trading name of the organisation for which the representative of the respondent works. That was not and is not a relevant matter. In any event, the Judgment contains no error in that regard.

9. I note that finality in litigation is an important factor when considering the interests of justice. I note that it is unusual for a litigant to be given a '*second bite at the cherry*' and the jurisdiction to reconsider should be exercised by the Tribunal with caution. I note that Rule 71 of the 2013 Rules requires a party seeking reconsideration to indicate why they do so and therefore an application should necessarily also include an indication of which decisions within a judgment a party is inviting the Tribunal to reconsider.

10. The Application does not make clear why an application for reconsideration is advanced save for a clear dissatisfaction with the outcome. The Application makes no reference to new evidence having become available or any other matter which might indicate that the interests of justice require a reconsideration of the Judgment.

11. In those circumstances, the Application fails and is dismissed.

Employment Judge A M Buchanan
Date__24 May 2023_____

JUDGMENT SENT TO THE PARTIES ON
26 May 2023

FOR THE TRIBUNAL OFFICE