



# EMPLOYMENT TRIBUNALS

**Claimant:** Bartus Attila  
**Respondent:** K Halal Food Ltd  
**Heard at:** East London Hearing Centre  
**On:** 24 May 2022  
**Before:** Employment Judge Housego

## Representation

Claimant: Written application  
Respondent: Written response

## JUDGMENT ON RECONSIDERATION

The judgment of the Tribunal is that the claimant's application for reconsideration is refused because there is no reasonable prospect of the decision being varied or revoked.

## REASONS

1. On 15 September 2022 I struck out this case under Rule 37 for failure to comply with and Order of the Tribunal dated 21 March 2022, and because it was not being actively pursued. The judgment was promulgated on 22 September 2022.
2. By email of 30 September 2022 at 08:37 Whitechapel Legal Advice Centre asked for a reconsideration of that judgment.

3. A later email attached a letter from the Claimant's GP dated 06 October 2022. This GP letter stated that the Claimant suffered from mental health issues and back pain. It stated that "He reports difficulties with focus and concentration." It stated that he takes Sertraline 50mg "for his mood".
4. The relevant procedural rules are in Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013. Those relevant Rules are as follows:

#### **RECONSIDERATION OF JUDGMENTS**

##### **Principles**

*70. A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ("the original decision") may be confirmed, varied or revoked. If it is revoked it may be taken again.*

##### **Application**

*71. Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.*

##### **Process**

*72.—(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.*

*(2) If the application has not been refused under paragraph (1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations.*

*(3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it; and any reconsideration under paragraph (2) shall be made by the Judge or, as the case may be, the full tribunal which made the original decision. Where that is not practicable, the President, Vice President or a Regional Employment Judge shall appoint another Employment Judge to deal with the application or, in the case of a decision of a full tribunal, shall either direct that the reconsideration be by such members of the original Tribunal as remain available or reconstitute the Tribunal in whole or in part.*

***Reconsideration by the Tribunal on its own initiative***

***73.*** *Where the Tribunal proposes to reconsider a decision on its own initiative, it shall inform the parties of the reasons why the decision is being reconsidered and the decision shall be reconsidered in accordance with rule 72(2) (as if an application had been made and not refused).*

5. The letter from WLAC does not point to any factual error in the judgment. On 15 September 2022 the Claimant was in breach of the Tribunal's order of 21 March 2022 by many months.
6. The GP letter does not give the GP's opinion but reports what the Claimant told the GP. The medication of 50mg Sertraline is a routine prescription. The Claimant's back pain is no reason to reconsider the judgment.
7. There is no reason to reconsider the judgment, and I refuse the request to reconsider it.

**Employment Judge Housego  
Dated: 24 May 2023**