



# EMPLOYMENT TRIBUNALS

## London South Employment Tribunal

**Claimant:** Naigui Shang  
**Respondent:** Surrey Nanosystems Limited

### Application for reconsideration

**Before:** Judge M Aspinall (sitting alone as an Employment Judge)  
**Appearances:** None

## DECISION

1. By letter dated 26 May 2023, the Claimant – Dr Shang – sought to provide a critique of my reconsideration decision of 26 March 2023.
2. He also, in express terms, sought a further reconsideration of my judgment of December 2022 in relation to his claim and of my 26 March 2023 reconsideration decision.
3. I provided a recitation of the legislative position in my earlier reconsideration decision so will not do so again here.
4. I decline to accede to his request to reconsider either my earlier reconsideration or, more pertinently, my judgment on his claim as I find that there is no reasonable prospect of either decision or judgment being varied or set aside.
5. I am aware, from the Tribunal records and the file, that the Claimant has also made further applications to the Tribunal for disclosure of information from the Respondent. Those applications were resisted by the Respondent and refused, on 13 May 2023, by Employment Judge Siddall.
6. I heard this case in December 2022 and delivered my judgment shortly thereafter. Dr Shang was disappointed in my decision that his claims were not well-founded and sought reconsideration in another lengthy letter. Having sought the views of the Respondent and on considering the points raised by the Claimant and by the Respondent, I found that there was no reasonable prospect of my judgment being amended, varied or set aside. I declined to reconsider my decision.
7. In that same reconsideration decision, I acknowledged an error in drafting (as between S-VIS Vantablack and CVD Vantablack). I also noted that nothing turned on that error since I was satisfied, on the evidence, that the work which the Claimant was employed to undertake had either reduced significantly, ceased or was expected to do so at the time the redundancy decision was taken.

8. In his new letter of 26 May 2023, the Claimant notes that the same error (S-VIS v CVD) appeared in another paragraph of my original judgment. Again, I find that nothing turns on this and whilst it is unfortunate that a minor drafting error has been found, it is neither significant to the issues nor of such magnitude as to alter any finding of fact that I made following the final merits hearing in December 2022.
9. Aside from addressing that point around a drafting error which is of no consequence for the reasons I have already set out, the remainder of the Claimant's letter is seeking – again – to relitigate points upon which the Tribunal had already decided.
10. It is simply unacceptable for him to persist in trying to change the mind of the Tribunal, on points which were already addressed in the hearing, at this stage.
11. I also note that the Claimant has lodged an appeal, against my decision, before the Employment Appeals Tribunal (EAT) and that this remains pending. That is now the forum in which the Claimant (Appellant, as he will be there) must pursue his cause of action now.
12. Given the existence of the appeal to the EAT, I find that it would, in any event, be improper for me to now seek to reconsider or amend the appealed judgment.
13. The Employment Tribunal has heard his claim, delivered a judgment which addressed the issues it had to consider, looked at whether it ought to reconsider his claim – now twice; there is nothing more that this Tribunal can do. The Claimant persists in taking up scarce judicial and staff time in the Employment Tribunal when he has already availed himself of his rights to appeal elsewhere.

**Judge M Aspinall**  
**Sunday, 4 June 2023**