



# EMPLOYMENT TRIBUNALS

Claimants: Mr E Ibhadiyi  
Mr E Morris  
Ms M Avram; and  
Mr R Riley

Respondents: Ballymore Asset Management Ltd

## JUDGMENT

The Claimants' application dated 11 June 2023 for reconsideration of the Reserved Judgment sent to the parties on 30 May 2023 is refused.

## REASONS

1. Rule 72(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (the "Rules") enable an Employment Judge to refuse an application for reconsideration if they consider that there is no reasonable prospect of the original decision being varied or revoked. The test is whether it is necessary in the interests of justice to reconsider the judgment (Rule 70).
2. Preliminary consideration under Rule 72(1) must be conducted in accordance with the overriding objective which appears in Rule 2, namely that cases should be dealt with fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, and avoiding delay. Achieving finality in litigation is part of a fair and just process.

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3. In their application for reconsideration the Claimants are seeking to argue facts already found and relitigate matters that have already been litigated. It is an attempt to have a second bite at the cherry which is contrary to the overriding objective, it would not be fair nor just to allow the Claimants to do so.
4. It is therefore not in the interests of justice for the decision to be reconsidered. There is no reasonable prospect of the original decision being varied or revoked.

EJ Burge

29 June 2023