



EMPLOYMENT TRIBUNALS

Claimant: Mr I Issa Adams

Respondent: Asda Stores Ltd

JUDGMENT

The claimant's application dated 13 June 2023 for reconsideration of the judgment sent to the parties on 8 June 2023 is refused.

REASONS

1. I have undertaken preliminary consideration of the claimant's application for reconsideration of the judgment dismissing his claims.

The Law

2. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 70).

3. Rule 72(1) of the 2013 Rules of Procedure provides that a judge shall refuse an application for reconsideration if the judge considers there is no reasonable prospect of the original decision being varied or revoked.

4. Rule 72(3) provides that, where practicable, the consideration under rule 72(1) shall be by the Employment Judge who made the original decision or chaired the full tribunal which made it.

5. In common with all powers under the 2013 Rules, preliminary consideration under rule 72(1) must be conducted in accordance with the overriding objective which appears in rule 2, namely to deal with cases 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 adjudication.

The Application

6. The claimant wrote, in his email dated 13 June 2023:

“I would kindly like this case to be reconsider as I do believe that there has been unjust bias on the outcome of this trial case. Please forward my case to be looked it again for reconsideration from a different independent perspective Judges. This case has been dealt with unfair judges, covering the reputation of the defendant claimant company that they are working for and not accepting that discrimination of racism has taken place and also caused a lot of damages to the other ethnic minorities and myself as well.”

Conclusion

7. The claimant makes a request that the case be looked at by different judges. In accordance with rule 72(3), an application for reconsideration is to be considered, at the preliminary consideration stage, by the judge which chaired the full tribunal, where practicable. It is practicable for Employment Judge Slater to carry out the preliminary consideration and I do so. I do not consider there to be any circumstances which would make this inappropriate.

8. If the claimant successfully appeals to the Employment Appeal Tribunal (EAT) against the Tribunal’s decision, the EAT can, if it considers it appropriate to do so, direct that the case be reheard by a different Tribunal panel.

9. The claimant makes a generalised allegation that the members of the Tribunal were biased and unfair. This allegation appears to be based on nothing other than disagreement with the conclusions reached by the Tribunal. If the application is intended to allege that the members of the Tribunal were working for the respondent, this is an allegation made without any foundation and is denied. The members of the Tribunal are independent of the parties.

10. There is nothing in the claimant’s application which suggests that there is any reasonable prospect of it being in the interests of justice to vary or revoke the original decision. I am satisfied that there is no reasonable prospect of the original decision being varied or revoked. The application for reconsideration is refused.

Employment Judge Slater
Date: 13 July 2023

JUDGMENT SENT TO THE PARTIES ON
20 July 2023

FOR THE TRIBUNAL OFFICE