

Case No: 3321348/2019
3314406/2020
3301134/2021
3301264/2021
3301499/2021
3310697/2021



EMPLOYMENT TRIBUNALS

Claimant: Mr Pekacar
Respondent: London Borough of Islington and others
Heard at: Watford (on paper) **On:** 2 March 2022
Before: Employment Judge Knowles

JUDGMENT UPON RECONSIDERATION

1. The Claimant's application dated 2 February 2022 for reconsideration of the judgment sent to the parties on 26 January 2022 is refused.

REASONS

1. The Claimant has made an in-time application for reconsideration of the Judgment that I reached which was sent to the parties on 26 January 2022.
2. The premise of the application by the Claimant is as follows:
 - 2.1. That he was arguing a continuing act, see pages 1-2 and 37 (at paragraph 117) of his skeleton argument used at the hearing.
 - 2.2. That I failed to have due regard to the Claimant's litigant-in-person status and the overriding objective.
 - 2.3. Incorrect conclusion that the balance of hardship falls more greatly on the Respondent than the Claimant.
3. There must be finality in proceedings and the reconsideration process should not generally be used to gain a "second bite at the cherry" (*Todd t/a Hygia Professional Training v Cutter UKEAT/0063/07*).
4. Taking into account the grounds of the application for reconsideration and

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considering them in the round with the comments above, my conclusion is that the Claimant has had a fair opportunity to address the Tribunal on any points of substance at the last hearing.

5. Whilst the Claimant states that he was arguing a continuing act, and invites me to read pages 1-2 and 37 (at paragraph 117) of his skeleton argument used at the hearing, none of these refer to a continuing act. The Claimant did not challenge the Respondent's submission that his claim against Mr Willis was out of time.

6. I did have due regard to the Claimant's status as a litigant in person. I reflected his submission on the issue in paragraph 17 of my reasons. I consider the point in paragraphs 33 and 34 of my reasons. The Claimant is simply disagreeing with my decision.

7. I set out the grounds why I considered that the balance of hardship would fall more greatly upon the Respondent in paragraphs 22 to 36 before coming to that conclusion in paragraph 37. Again, the Claimant simply disagrees with my decision.

8. There is no reasonable prospect of the original decision being varied or revoked for those reasons.

Employment Judge Knowles

2 March 2022

JUDGMENT & REASONS SENT TO THE PARTIES ON

9 August 2023.....

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FOR THE TRIBUNAL OFFICE