



EMPLOYMENT TRIBUNALS

Claimant: Ms Y Shek

Respondent: Orion Catering Services Limited

UPON APPLICATION by e-mail dated 12th December 2023 to reconsider the judgment in this case under rule 71 of the Employment Tribunal Rules of Procedure 2013.

JUDGMENT FOLLOWING RECONSIDERATION

The respondent's application for reconsideration is refused.

REASONS

The Application:

1 On 5th December 2023, I delivered the judgment in this case. The written judgment was sent to the parties on 13th December 2023.

2 On 12th December 2023, the respondent sent an e-mail to the Tribunal requesting a "review" of the decision, which I take as an application for reconsideration. The e-mail does not set out any alleged errors in fact or law. It does refer to new evidence but does not say what that evidence is or why it was not adduced at the final hearing of this case, which took place on 30th November 2023 and 5th December 2023.

3 The respondent chased the application by e-mail on 5th January 2024 but provided no further information.

4 The respondent's application was brought to my attention today.

The Law:

5 Rule 70 of the Employment Tribunal Rules ("the Rules") states:

"A Tribunal may, either on its own initiative... or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so..."

6. Rule 71 of the Rules states:

“...an application for reconsideration shall be presented in writing... 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.”

7. Rule 72(1) of the Rules states:

“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...”

Conclusion:

8. The respondent’s application does not set out any alleged error of fact or law in the conclusions reached at the final hearing. Indeed, the application refers to “new evidence, with no explanation why any such evidence was not adduced during the final hearing.

9. Following a request from the claimant, reasons for my decision will be sent to the parties and uploaded to the public website imminently. Having recently considered this case in order to draft those written reasons, I am satisfied that my findings of fact, application of the law and conclusions are sound.

9. In my judgment, there is no reasonable prospect of the original decision being varied or revoked. Further, allowing the application for reconsideration would be against the principle of finality in litigation. Therefore, reconsideration is not necessary in the interests of justice.

10. The respondent’s application for reconsideration is refused and the parties should be notified accordingly.

**Employment Judge Yale
Dated: 22 January 2024**