



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Cullis  
**Respondent:** Wakeup Bristol Limited

**UPON APPLICATION**

## JUDGMENT

The Claimant's application dated 21 November 2023 for reconsideration of the judgment sent to the parties on 6 November 2023 is refused.

## REASONS

### The law

1. An application for reconsideration is an exception to the general principle that (subject to an appeal on a point of law) a decision of the Employment Tribunal is final.
2. Rule 70 ET Rules 2013 sets out the test on reconsideration which is whether it is necessary in the interests of justice to reconsider the judgment. Pursuant to Rule 72(1) I may refuse an application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.
3. The importance of finality was confirmed by the Court of Appeal in **Ministry of Justice v Burton and anor** [2016] EWCA Civ 714 and in **Liddington v 2Gether NHS Foundation Trust** EAT/0002/16 Simler P said that a

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*'request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or reargue matters in a different way or by adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality of litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite of the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered'*

4. There is no reasonable prospect of the original decision being varied or revoked, because I am satisfied that the Claimant brought proceedings against Wakeup Bristol Limited who, the Claimant indicated in the ET1 and more detailed particulars attached to his ET1 claim form, was his employer.
5. Further, Conor Rashid is stated as having been a director of that Respondent only and it was not asserted by the Claimant that Mr Rashid was in fact the Claimant's employer.
6. Claims for unpaid wages brought as unlawful deductions under the Employment Rights Act 1996 can only be brought against the employer.
7. There is a strong public interest that there should, so far as possible, be finality of litigation.

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**Employment Judge R L Brace**

**Date 24 January 2024**

JUDGMENT SENT TO THE PARTIES ON 25 January 2024

FOR THE TRIBUNAL OFFICE Mr N Roche