



EMPLOYMENT TRIBUNALS

Claimant: Mr M Willis

Respondents:

1. **GWB Harthills LLP**
2. **Ms H Russell**
3. **Ms E Lord«resp_others»**

JUDGMENT ON APPLICATION FOR RECONSIDERATION

1. The claimant's application dated 15 February 2024 for reconsideration of the decision sent to the parties on 8 February 2024 in this case is refused under rule 72(1) of the Employment Tribunals Rules of Procedure 2013 as there is no reasonable prospect of the decision being varied or revoked.
2. The claimant's application for a stay of the Tribunal's costs order pending the application for reconsideration is refused.

REASONS

1. The claimant, Mr Willis, applies by letter dated 15 February 2024 for reconsideration under rule 71 of the Employment Tribunals Rules of Procedure 2013 of part of my decision in this case, issued on 8 February 2024. He also applies for a stay of the Tribunal's costs order in the proceedings, sent to the parties on 21 December 2022, pending the application for reconsideration.
2. In the decision which is the subject of this application, I refused under rule 72(1) of the Employment Tribunals Rules of Procedure 2013 the claimant's applications for reconsideration of the Rogerson Tribunal's Claim 1 (1802068/2020) remedy and Claim 2 (1803135/2021) liability and costs judgments as there was no reasonable prospect of the judgments being varied or revoked. In consequence, I refused the claimant's application

for a stay of the Claim 2 costs order pending the application for reconsideration. The claimant's current application is confined to the decisions I made in respect of the Claim 2 costs order and the application for a stay.

3. The claimant asks me to reconsider my decision not to reopen the costs order because it would be **“grossly unfair for costs of £210,000 to be ordered in the absence of the appropriate assessment by the Employment Tribunal”**.

4. The nub of the application is at paragraph 3. The claimant says that **“I am asking the Tribunal to deal with the claim 2 costs matter in the correct and fair manner so as to enable an appropriate and correct decision can be made compensate (sic) with the impact of such an order on me and his family”**.

5. The claimant asserts that the costs order was wrong, for several reasons he states. In summary, he says that the Rogerson Tribunal:

(a) failed to apply the correct process and made the errors identified in **Oni v Unison UKEAT/0370/14**;

(b) erred in law in making an order that he pay all the respondents' costs without any formal consideration or review of the costs claimed;

(c) failed to follow correct practice and procedure;

(d) failed properly to consider his ability to pay;

(e) did not take properly into account his disability or make reasonable adjustments.

6. I have considered at the first stage of the process under rule 72(1) whether there is any reasonable prospect that I will vary or revoke my 8 February 2024 decision. I find that there is not.

7. The “interests of justice” test for reconsideration under rule 71 confers a broad discretion. However, an application for reconsideration is not a vehicle for a party to reopen or reargue a case because he believes the Tribunal made the wrong decision. Although the claimant asserts at paragraph 3 of the application that he is not seeking “a second bite of the cherry”, this is clearly what he in fact is doing, as underlying the application is the claimant's continued contention that the Rogerson Tribunal made the wrong decisions. There must be finality in litigation and it is not in the interests of justice in this case for the claimant repeatedly to seek to reopen and reargue the proceedings because he believes the outcome was wrong. If, as he clearly does, the claimant believes that the Rogerson Tribunal erred in law in making the costs order, his remedy is by way of appeal to the Employment Appeal Tribunal.

8. I have no reason to believe that the decision I made to refuse to reconsider the Rogerson Tribunal's costs order, for the reasons that I made it, was incorrect. There is no reasonable prospect that I will vary or revoke the decision. Under rule 72(1), therefore, I refuse the claimant's application for reconsideration.

9. The claimant has also applied for a stay of the costs order pending the outcome of the application for reconsideration. As I have refused the application, the request for a stay falls away and is refused.

Regional Employment Judge **Robertson**

Date: 19 February 2024

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE