



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Best

**Respondent:** GlaxoSmithKline Services Unlimited

## RECONSIDERATION JUDGMENT

The claimant's application dated 1, 2 and 15 February 2024 for reconsideration of the Judgment sent to the parties on 1 February 2024 is refused.

### REASONS

1. On 1 February 2024 the claimant applied for reconsideration of the Reserved Judgment which had been sent to the parties that day. Further emails were sent by the claimant on 1 February 2024, 2 February 2024 and 15 February 2024 raising points about the Judgment reached.
2. Rule 70 of Schedule 1 to the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 ("the Rules") provides that a Tribunal may reconsider any Judgment where it is necessary in the interests of justice to do so. On reconsideration, the original Judgment may be confirmed, varied, or revoked.
3. Rule 71 of the Rules provides that applications for reconsideration shall be made either in the hearing itself or, in writing, within 14 days of the date on

which the Judgment is sent to the parties. The claimant's application for reconsideration is therefore made in time.

4. Rule 72 of the Rules contains the process that must be followed when an application for reconsideration is made. The first stage is for the Employment Judge to consider the application and decide whether there are reasonable prospects of the Judgment being varied or revoked. If the Employment Judge considers that there are no reasonable prospects of the Judgment being varied or revoked, then the application shall be refused.
5. If the application is not refused at the first stage, there may be a reconsideration hearing and the parties will be asked for their views on whether the application can be determined without a hearing. The other party will also be given the opportunity to comment on the application for reconsideration.
6. When dealing with applications for reconsideration, the Employment Judge should take into account the following principles laid down by the higher courts:
  - a. There is an underlying public policy interest in the finality of litigation, and reconsiderations should therefore be the exception to the general rule that Employment Tribunal decisions should not be re-opened and re-litigated. Finality in litigation is central to the interests of justice (Ebury Partners Ltd v Acton Davis 2023 EAT 40);
  - b. The reconsideration process is not designed to give a disappointed party a '*second bite at the cherry*'. It is "*not intended to provide parties with the opportunity of a rehearing at which the same evidence can be rehearsed with different emphasis, or further evidence adduced which*

*was available before*" (Stevenson v Golden Wonder Ltd 1977 IRLR 474);

- c. The Tribunal must seek to give effect to the overriding objective of dealing with cases fairly and justly, which includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, avoiding delay, so far as compatible with proper consideration of the issues, and saving expense;
  - d. The Tribunal must be guided by the common law principles of natural justice and fairness;
  - e. The Tribunal's broad discretion to decide whether reconsideration of a Judgment is appropriate must be exercised judicially "*which meant having regard not only to the interests of the party seeking reconsideration but also to the interests of the other party to the litigation and to the public interest requirement that there should be a finality to litigation.*" (Her Honour Judge Eady KC in Outasight VB Ltd v Brown 2015 ICR D11); and
  - f. The interests of both parties should be taken into account when deciding whether it is in the interests of justice to reconsider the judgment.
7. The overriding consideration when dealing with applications for reconsideration is whether it is necessary in the interests of justice to reconsider the Judgment.
  8. I have carefully considered the claimant's application for reconsideration including the screenshots of documents he provided together with the commentary on what facts the Tribunal ought to have found in his case.

9. I consider that there are no grounds on which to vary or revoke the Judgment reached based upon the emails sent by the claimant as set out above. The claimant is, in effect, requesting a rehearing of the case in order for the panel to come to a different conclusion. It is not in the interests of justice to vary or revoke the Judgment.
10. As there is no reasonable prospect of the original decision being varied or revoked, the claimant's application for reconsideration is refused.

**Employment Judge Welch**

**26 February 2024**

Judgment sent to the parties on:  
28 February 2024

For the Tribunal:

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