



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Waluk

**Respondent:** North Cumbria Integrated Care NHS Foundation Trust

## JUDGMENT

The claimant's application dated 4 March 2024 for reconsideration of the judgment sent to the parties on 19 February 2024 is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

The claimant seeks to introduce new evidence which was not presented at the final hearing. The claimant alleges that he recently recovered some voice recordings from meetings with Christine Stewart and Claire Appleton which he now wishes to rely upon in support of his case.

There is a public interest in finality in litigation. The principles derived from case law such as Ladd v Marshall [1954] 3 All ER 745 are not addressed or satisfied in this case. The claimant has not explained why the evidence could not have been obtained with reasonable diligence for use at the original hearing. He has not explained what the recordings show and that the evidence is relevant and would probably have had an important influence on the outcome of the hearing. He has not indicated that the evidence is apparently credible. He does not give details of the evidence he seeks to adduce, explain why it was not produced before and why it is in the interests of justice to consider it now.

The claimant alleges that there have been procedural errors. First, he asserts that the Tribunal failed to consider relevant evidence or arguments presented by the claimant. The Tribunal heard and considered the evidence and representations from both parties to the case. It weighed all the available evidence, drew inferences and arrived at conclusions which were reasonably open to it on the basis of the available evidence. The reasons for the decision have been set out in a lengthy reserved judgment and

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reasons document. The claimant also seems to suggest that he was not informed by the Tribunal about case progression whereas the respondent was. He does not specify what correspondence he is referring to. Furthermore, it is not apparent that this had had any impact on the outcome in his case. The judgment was arrived at following a final hearing where both parties were present and able to make representations to the Tribunal and where the Tribunal heard and considered the evidence presented by both claimant and respondent.

The claimant asserts that there has been a misinterpretation of the facts. The Tribunal made findings of fact which were open to it based on the evidence presented at the hearing. It considered all the evidence in the round. It applied the law and arrived at its conclusions in relation to the claimant's claims. The claimant disagrees with the Tribunal's findings and conclusions. This does not mean that it is necessary in the interests of justice to reconsider the judgment. The claimant wishes to have a second opportunity to present and argue his case. This is not necessary in the interests of justice.

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Employment Judge Eeley

Date: 19 March 2024

JUDGMENT SENT TO THE PARTIES ON  
27 March 2024

FOR THE TRIBUNAL OFFICE