



EMPLOYMENT TRIBUNALS

Claimant: Ms S Messi

Respondent: Casterbridge Tours Limited

London Central: by CVP in public as an Open Preliminary Hearing on 23 April 2024

Before: Employment Judge Nicolle

Representation:

Claimant: In person

Respondent: Ms G Leadbetter, of counsel.

Judgment

1. The Claimant's application dated 21 May 2024 (and in various previous emails some of which were sent prior to the written reasons being requested and sent to the parties) for reconsideration of the Tribunal's judgment on her application for interim relief under section 128 of the Employment Rights Act 1996 (the ERA) (the Judgment), is refused.

2. Oral reasons were given to the parties on 23 April 2024. The Claimant requested written reasons which were provided dated 29 April 2024 and sent to the parties on 16 May 2024.

Reasons

3. I have considered the application by the Claimant dated 21 May 2024 for a reconsideration of the Judgment (the Reconsideration Application).
4. I have considered the Reconsideration Application in accordance with the provisions set out in Rule 70 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 (the Rules) which provides that reconsideration is only appropriate where it is necessary in the interests of justice and under Rule 72 there is a reasonable prospect of the original decision being varied or revoked.
5. Reconsiderations are limited exceptions to the general rule that employment Tribunal decisions should not be reopened and relitigated. It is not a method by which a disappointed party to proceedings can get a second bite of the cherry.
6. Reconsideration 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.
7. A Tribunal dealing with the question of reconsideration must seek to give effect to the overriding objective to deal with cases 'fairly and justly' in accordance with Rule 2.
8. In considering the application regard needs to be given to not only the interests of the party seeking the reconsideration, but also to the interests of other parties to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.

9. I do not consider that the various matters referred to in the Reconsideration Application would, in accordance with the interests of justice, make it appropriate for there to be a detailed reconsideration of the Judgement.
10. I have reached this decision for the following reasons:
11. I reject the Claimant's assertion that relevant evidence and law was not considered for the purposes of determining whether it is likely that the Tribunal will find the reason or principal reason for the Claimant's dismissal was that she made a protected disclosure. This involved two elements being, is it likely that the Tribunal will find that she made a protected disclosure and secondly is it likely that the Tribunal will find that her doing so was the reason or principal reason for her dismissal.
12. The Claimant refers to an issue regarding whether she has an outstanding entitlement to pay. That is not a matter which is relevant to her application for interim relief but is rather a matter which will be considered at a full merits hearing.
13. The Claimant has erroneously made reference to a default judgment and seeks that it is set aside. No default judgment has been issued as the only matter to be determined was whether interim relief should be granted and this does not constitute the final disposal of the claim and is not a default judgment.
14. In the circumstances I consider there is no reasonable prospect of the Judgment being varied or revoked and it is therefore unnecessary to seek the Respondents' response to the Reconsideration Application and nor is it necessary to seek the parties' views on whether it can be determined without a hearing.

Employment Judge Nicolle

19 June 2024

Sent to the parties on:

26 June 2024

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For the Tribunal:

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