



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms G Cooper

**-and-**

**Respondent:** CECP Advisors LLP

## JUDGMENT

The Claimant's application for a reconsideration of the Judgment sent to the parties dated 23<sup>rd</sup> May 2024 and sent to the parties on 3<sup>rd</sup> June 2024, is refused under Rule 72 of the Employment Tribunals Rules of Procedure 2013. There are no reasonable prospects of the Judgment being varied or revoked.

## REASONS

1. The Claimant has asked for a reconsideration of the Judgment announced orally at the hearing on 12<sup>th</sup> April 2024, with a written Judgment and reasons sent to the parties on 3<sup>rd</sup> June 2024.
2. Under Rule 70 of the Employment Tribunal Rules of Procedure 2013 a Tribunal "may reconsider any judgment where it is necessary in the interest of justice to do so", and upon reconsideration the decision may be confirmed, varied or revoked.
3. Rule 72 provides that an Employment Judge should consider the request to reconsider, and if the judge considers there is no reasonable prospect of the decision being varied or revoked, the application shall be refused. Otherwise it is to be decided, with or without a hearing, by the Tribunal that heard it.
4. Under the 2004 rules prescribed grounds were set out, plus a generic "interests of justice" provision, which was to be construed as being of the same type as the other grounds. These were that a party did not receive notice of the hearing, or the decision was made in the absence of a party, or that new evidence had become available since the hearing provided that its existence could not have been reasonably known of or foreseen at the time. As for the interests of justice test, the case law establishes that, while this allows for a broad discretion, it must be exercised judicially, which

means having regard not only to the interests of the party seeking the reconsideration, but also to the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.

5. The Employment Appeal Tribunal confirmed in Outasight VB Ltd v Brown UKEAT/0253/14/LA that the 2013 rules did not broaden the scope of the grounds for reconsideration (formerly called a review). It is not a means by which a disappointed litigant can have another bite at the cherry.
6. In Ameyaw v PricewaterhouseCoopers Services Ltd EAT 0291/19 the EAT held that an application for reconsideration is not a vehicle for challenging a tribunal's reasons or, insofar as they do not form part of the essential reasoning upon which the decision is based, other things said by the Tribunal in arriving at its decision. A Judgment cannot be reopened simply to address alleged errors in the Tribunal's reasoning.
7. The application for reconsideration is an attempt by the Claimant to reargue her case.
8. The Claimant refers to my having ignored the tampering of documents from the Respondent and the criminal investigation of the Respondent for hackings of the Claimant's social media. The Respondent's position was that it simply accessed the Claimant's public Instagram and Linkd In accounts. It was not necessary or relevant to determine whether the Claimant's account had been hacked. The Claimant accepted that she was in Bali in mid September, engaged in setting up and launching her new business and that the reason she did not lodge the (second) claim earlier was because she was hoping to settle and not because she was in Bali.
9. It is acknowledged that the written reasons are more extensive than the oral reasons, containing a lengthier recital of the facts and the law but the conclusions are substantially the same. See Partners of Haxby v Collen EAT 0120/12.
10. The Claimant says that she did not send documents to the Tribunal on the morning of the hearing. On checking the position, she sent a number of images to the Tribunal at 18.32 on the eve of the hearing, which were picked up and forwarded by the administration to the Judge on the morning of the hearing.
11. The reference to the date of the rejection of the first claim as 23<sup>rd</sup> September (paragraph 15) reflects the Claimant's evidence that this is the day that she received it.
12. The remaining points are an attempt to reargue the Claimant's case or to say why she does not agree with the facts found by the Tribunal or the outcome of the hearing. These are not good reasons for reconsideration.
13. The application discloses no proper grounds for a reconsideration and is

refused.

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Employment Judge F Spencer  
24 June 2024

JUDGMENT SENT TO THE PARTIES ON

28 June 2024

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FOR THE TRIBUNAL OFFICE