



EMPLOYMENT TRIBUNALS

Claimant: Mr J D Daniel

Respondent: Moran Logistics Limited

JUDGMENT ON RECONSIDERATION

The claimant's application dated 15 August 2024 for reconsideration of the Judgment dated 22 July 2024 and sent to the parties on 26 July 2024 fails. The original Judgment is confirmed.

REASONS

1. By letter dated 15 August 2024 the claimant made an application for reconsideration of the Judgment dated 22 July, which had been sent to the parties on 26 July 2024.

The rules on reconsideration

2. Rule 70 of the Employment Tribunal Rules of Procedure 2013 says:
"A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ("the original decision") may be confirmed, varied or revoked. If it is revoked it may be taken again."

3. The requirement that a judgment may only be reconsidered where reconsideration is necessary in the interests to justice reflects the public interest in the finality of litigation. There must be some basis for reconsideration; the process is not an opportunity for a party to provide further evidence or to seek to reopen matters which the Tribunal has determined.
4. Rules 71 says that an application for reconsideration must be made in writing within 14 days of the date on which the original decision was sent to the parties. Rule 72 explains the process to be followed on an application for reconsiderations under rule 71, which says:
(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal...
(3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it;
5. The Tribunal has discretion to reconsider a judgment if it considers it to be in the interests of justice to do so. Rule 72(1) requires the judge to dismiss the application if the judge decided that there are no reasonable prospects of the original decision being varied or revoked. Otherwise, the application is dealt with under the remainder of Rule 72.
6. In deciding or not whether to reconsider the judgment, the tribunal has a broad discretion, which must have 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.
7. The reconsideration rules are not intended to provide a dissatisfied party with an opportunity to re-litigate matters that have already been litigated, or to reargue matters in a different way or adopting points previously omitted (**Liddington v 2Gether NHS Foundation Trust UKEAT/0002/16/DA**).
8. The Claimant's application to the Tribunal seeks to appeal the judgment dated 22 July 2024. An appeal is not a matter this Tribunal can consider but is a matter for the Employment Appeal Tribunal. Nevertheless, this application has been considered as an application for reconsideration under Rule 71.

9. The Claimant's application was not made within 14 days of the judgment being sent to the parties in compliance with Rule 71. In any event its contents demonstrate that the Claimant is a disappointed litigant and is seeking to have a further attempt at re-arguing his position having had a full opportunity at the hearing. The Claimant has not argued an identifiable error of law. The application does not raise any new information or that which he could not have been raised at the hearing which would make reconsideration necessary in the interests of justice.
10. In the circumstances the application for reconsideration is rejected on the basis that it was made outside the time limit for making such an application and in any event, there is no reasonable prospect of the judgment being varied or revoked. The application for reconsideration is therefore refused.

Employment Judge Millns

Date: 2 September 2024

JUDGMENT SENT TO THE PARTIES ON

.....03 September 2024.....

AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE

Notes

1. Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.