



EMPLOYMENT TRIBUNALS

Claimant: Mr H Ahmed

Respondent: Department for Work and Pensions

JUDGMENT

1. The claimant's applications for reconsideration (as detailed in the reasons below) of the judgment sent to the parties on 11 June 2024 are refused.
2. The clarification sought by the respondent in its application is provided in the reasons below.

REASONS

1. The parties applications for reconsideration as follows have been referred to me:-
 - a. the respondent's application of 18 June 2024
 - b. the claimant's application of 14:16 on 18 June 2024
 - c. the claimant's addendum application of 15:55 on 19 June 2024 and
 - d. the claimant's further addendum (the date on my version shows this was emailed at 12:35 on 13/06/2024 although that cannot be correct as it includes as part of it the addendum application)
2. As to the claimant's applications they are challenges to the facts found and conclusions reached by the Tribunal or argue that the reasons were inadequate/flawed in relation to matters that the claimant expressly asserts were raised at the hearing. His concluding remarks in the further addendum are an example "*I explained all this at the 10 day hearing but either EJ Perry wasn't listening or he has purposely excluded it from his judgment.*"
3. Under rule 70 a judgment will only be reconsidered where it is "*necessary in the interests of justice to do so*". One of the cornerstones of the interests of justice is the finality of litigation¹. What is meant by that is that "*if a matter has been ventilated and properly argued, then any error of law falls to be corrected on appeal and not by review.*"²
4. A reconsideration is thus not an opportunity as appears to be the case here

¹ *Outasight VB Ltd v Brown* 2015 ICR D11 (EAT)

² *Trimble v Supertravel Ltd* 1982 ICR 440 (EAT)

to reargue points that were or ought to have been raised at the original hearing. The appropriate mechanism is to appeal which the claimant has done. Those matters being so there is no reasonable prospect of the original decision being varied or revoked and the claimant's application for reconsideration is therefore refused.

5. As to the respondent's application, that is for clarification if a sum agreed is gross or net of tax and NI. For the avoidance of doubt the sum referred to in paragraph 4 is subject to the deduction of tax (and if appropriate NI). How that is recovered is a matter for the parties.

Employment Judge Perry

30 August 2024