



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Green  
**Respondent:** The Aspins Food Group Limited

## JUDGMENT

The claimant's application for reconsideration of the judgment of the Tribunal made on 8 December 2022 is refused.

## REASONS

1. By an email dated 26 January 2024 Mr Green asks the tribunal to reconsider its Judgment in this matter that was given on 8 December 2022. By that judgment I upheld claims made by the claimant and gave judgment against The Aspins Food Group Limited.
2. A tribunal has power to reconsider and vary any judgment where it is necessary in the interests of justice to do so: Rule 70. In this case Mr Green has asked for the judgment to be varied to substitute Aspins Bakery Limited as the respondent.
3. An application by a party for reconsideration may be made at a hearing or in writing. If it is made in writing, it must be presented, with copies to all other parties, within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties, or, if later, within 14 days of the date that the written reasons were sent, and it must set out why reconsideration of the original decision is necessary: rule 71.
4. The Judgment was sent to the parties on 29 December 2022. The 14 day time limit for asking for a reconsideration expired on 12 January 2023. Mr Green's application was made more than a year later, by which time Aspins Bakery Limited was in compulsory liquidation and the existing respondent company had been dissolved and so would be incapable of responding to the application.

5. A tribunal has the power under rule 5 to extend the time limit in appropriate cases. To help me decide whether to extend time, I directed the claimant to provide (by 9 July 2024):
  - 5.1. further information about the reason for the lateness of his application,
  - 5.2. confirmation that he intends to make an application to the High Court for permission to pursue this application to vary the judgment, and
  - 5.3. confirmation that he has provided us with all correspondence between himself and the Tribunal dating from 2022 and relating to his claim (the Tribunal's file having been destroyed, in accordance with its usual operating procedure).
6. The claimant has not complied with that Order.
7. In the circumstances, it remains unclear to me why the claimant did not ask for the judgment to be varied sooner than he did. Given that the claimant has failed to provide a full explanation for the delay in making the application I am not satisfied there is a good reason for the delay. Nor am I satisfied that the claimant has provided us with all of the correspondence between him and the Tribunal dating from 2022. Finally, as the claimant has not said otherwise, I assume he does not intend to apply to the High Court for permission to pursue the application; therefore the claimant's application could not succeed in any event.
8. Taking into account the overriding objective to deal with cases fairly and justly, which includes the general public interest in finality of litigation, I have decided it is not appropriate to extend the time limit for requesting a reconsideration. Therefore, the claimant's application is rejected, having been made too late.

Employment Judge Aspden

Date 11 September 2024