



# EMPLOYMENT TRIBUNALS

**Claimant:** Gifty Robinson  
**Respondent:** Smile Publications Ltd  
**Heard at:** East London Hearing Centre  
**On:** 18 September 2024  
**Before:** Employment Judge Housego

## **Representation**

Claimant: Written application  
Respondent: None

## **JUDGMENT ON RECONSIDERATION**

The judgment of the Tribunal is that the Claimant's application for reconsideration is refused because there is no reasonable prospect of the decision being varied or revoked.

## **REASONS**

1. On 06-09 August 2024 I chaired a Tribunal which dismissed the Claimant's claims against the Respondent.
2. On 22 August 2024 (within the 14 days allowed for an application for reconsideration of a judgment) the Claimant wrote an email to the Tribunal headed "Reconsideration". There were then emails on 23 August 2024 with links to government websites and on 27 August 2024 with documentation from the Claimant's GP. These emails are very lengthy, and attach many documents and contain hyperlinks to case reports and Government websites.
3. The relevant procedural rules relating to reconsideration of judgments are in Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013. Those relevant Rules are as follows:

## RECONSIDERATION OF JUDGMENTS

### **Principles**

**70.** 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.

### **Application**

**71.** Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the 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 within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

### **Process**

**72.—(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. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.

**(2)** If the application has not been refused under paragraph (1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations.

**(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; and any reconsideration under paragraph (2) shall be made by the Judge or, as the case may be, the full tribunal which made the original decision. Where that is not practicable, the President, Vice President or a Regional Employment Judge shall appoint another Employment Judge to deal with the application or, in the case of a decision of a full tribunal, shall either direct that the reconsideration be by such members of the original Tribunal as remain available or reconstitute the Tribunal in whole or in part.

***Reconsideration by the Tribunal on its own initiative***

**73.** *Where the Tribunal proposes to reconsider a decision on its own initiative, it shall inform the parties of the reasons why the decision is being reconsidered and the decision shall be reconsidered in accordance with rule 72(2) (as if an application had been made and not refused).*

4. The reconsideration emails seek to reargue the case, attach links to many websites and to reports of similar cases, and attach much medical information about the Claimant's health. They contain much generality, and many criticisms of my handling of the hearing. Nowhere in the many pages is there any basis for reconsidering the judgment.
5. I explain to the Claimant that the point of an application for reconsideration is to set out why the judge or Tribunal may have made an error of law or overlooked an important piece of evidence or drawn an erroneous conclusion. Sometimes an important piece of new evidence has come to the Claimant's attention. In short, as the Rule says, a reconsideration is ordered where it is in the interests of justice to revisit the judgment. None of that applies in this case.
6. A reconsideration is not an opportunity to reargue the case when a party does not agree with the outcome. A judgment is final, unless there is a good reason to consider changing it.
7. Nothing in the voluminous documentation sent in by the Claimant could support a reconsideration hearing. Nothing sent in could not have been supplied for the hearing. Much of it is not relevant to the case. The medical information does not bear on the issues in the case. A detailed analysis and critique of the bundle of documents in the case post judgment is not a reason to reconsider the judgment. In the vernacular, there is no "second bite at the cherry".
8. Claimants with a strong sense of grievance often find it hard to accept that they have lost their claims. This application for a reconsideration of the judgment is such a case.

**Employment Judge Housego  
Dated: 18 September 2024**

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