



EMPLOYMENT TRIBUNALS

London South Employment Tribunal

Claimant: Nkechi Leeks

Respondent: University Hospitals Sussex NHS Foundation Trust

Decision on Reconsideration

Rules 70-72 of The Employment Tribunals Rules of Procedure 2013 (as amended)

For the reasons set out below, the claimant's application dated 6 November 2024 **seeking reconsideration of my costs judgment** promulgated on 23 October 2024 **is refused**. The application fails to establish any proper basis meeting the stringent test for reconsideration or compelling interests of justice considerations. The grounds advanced largely seek improperly to relitigate settled grievances unrelated to the costs issues substantively determined in the judgment under challenge. Applying the rigorous reconsideration principles, I find no reason warranting revisiting the fully reasoned costs judgment has been shown.

Introduction

1. This judgment addresses the claimant's application dated 6 November 2024 seeking reconsideration of my costs judgment promulgated on 23 October 2024.
2. As set out in my earlier reconsideration decisions in these proceedings, the Tribunal has a stringent test for reconsideration. The applicant must demonstrate an error of law, procedural flaw, or compelling interests of justice reason warranting revisiting the judgment. Mere disagreement is insufficient.

The claimant's application

3. The claimant advances some 30 numbered grounds said to warrant reconsideration of my costs judgment. Having carefully considered each, I find none establish any proper basis meeting the high threshold or interests of justice considerations.
4. Most grounds raised are clearly irrelevant to the costs issues determined or instead seek impermissibly to relitigate ancillary grievances long since settled in past proceedings.
5. For instance, contentions regarding alleged ADR obstruction do not substantively engage with my costs findings. Parties were under no obligation to pursue non-judicial settlement. Other grounds concerning the 2019 strike out, open justice compliance, and alleged misinformation similarly have no bearing on the costs matters addressed.
6. The claimant fails to substantiate any suggestion of error in my assessment of the parties' costs applications applying the relevant framework. My reasoning considered the legal principles and evidentiary record. Her disagreement reflects continued misconceptions, not flawed exercise of discretion.
7. Additionally, I have already accounted for the claimant's ability to pay in limiting recoverable costs to the £20,000 maximum under Rule 78. Her ongoing emotive attacks regarding financial hardship

inappropriately attempt to impugn a properly reasoned decision she opposes.

Decision

8. In conclusion, I find no grounds warranting revisiting my fully reasoned costs judgment have been established. The application largely rehashes grievances unrelated to the costs issues substantively determined.
9. Applying the stringent reconsideration principles, the claimant's application is therefore refused as disclosing no tenable basis for disturbing the properly reasoned costs judgment.
10. The time has come for the claimant to accept her claim failed, her appeals were rejected, and the costs judgment represents the final outcome. She is urged to refrain from continuing attempts to reopen matters properly and finally resolved according to law.

Judge M Aspinall
10th November 2024