



EMPLOYMENT TRIBUNALS

Claimant: Ms J Liew

Respondent: Aurelius Investments Limited

JUDGMENT

The claimant's application dated **4 November 2024** for reconsideration of the judgment sent to the parties on **21 October 2024** is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because

Procedural mishaps

1. The claimant submits that a reconsideration would be in the interests of justice because there were procedural mishaps which prevented her from fairly presenting her case. I can identify no such mishaps. There were a number of case management decisions which the claimant was dissatisfied with.
2. At the outset of the hearing, the claimant renewed an application to postpone the hearing that she had previously made in writing. Reasons for refusing the postponement were given orally and the claimant did not subsequently request them in writing. The reasons were not in any event as related by the claimant in her reconsideration application. A very significant factor was that

there was no material change in circumstance since the claimant's previous unsuccessful application for postponement.

3. The claimant suggests that she was made to agree a list of issues in the absence of her representative. The Tribunal had a list of issues which had been agreed in front of Employment Judge Hopton on 7 December 2023 contained in case management orders which were in the bundle. There was a query raised by the respondent at the outset of the hearing about whether there was an indirect equal pay claim. The claimant was provided with the opportunity to discuss that issue with her representative before indicating what her position was on that claim.
4. The claimant's representative would have had access to the agreed list of issues, so the suggestion that he did not have this available in preparing to represent the claimant is hard to understand. If she was in any doubt about the importance of the list of issues, it should have been apparent to her from the discussion with the Tribunal on the first day of the hearing.
5. The claimant's representative was provided with the respondent's notes of the claimant's evidence as he was unable to attend for the first two days of the listed hearing, having been instructed by the claimant very late. On those two days the Tribunal read documents and heard the claimant's evidence. No issue was raised at the hearing about the quality of the notes provided to the claimant.
6. The claimant says that she was disadvantaged because Mr Droghoff could not give evidence when it was discovered he was joining the hearing from Germany. No application was made to postpone so that Mr Droghoff's evidence could be heard on a further occasion. Mr Droghoff's direct evidence went to a single issue in the case.

Substantive claims

7. It appears that the claimant:
 - Submits that the Tribunal panel lacked impartiality, due to an alleged lack of diversity on the panel (the fact that the non legal members were both male);
 - Seeks to reargue issues which were fully ventilated before the Tribunal.
8. It is not in the interests of justice for a party to be permitted to have a second bite of the cherry given the interest in finality in litigation.
9. If there are errors of law or allegations of bias, these are not matters for the Tribunal panel to determine on a reconsideration application.

Employment Judge Joffe

Date 7 November 2024

JUDGMENT SENT TO THE PARTIES ON

14 November 2024

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FOR THE TRIBUNAL OFFICE