



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Hughes

**Respondent:** Science Recruitment Group Limited

## DECISION ON RECONSIDERATION APPLICATION

The claimant's application dated 24 January 2025 for reconsideration of the judgment sent to the parties on 24 January 2025 is refused.

### REASONS

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

1. Rule 69 of the Employment Tribunal Procedure Rules 2024 ("ET Rules") requires that an application for reconsideration is made within 14 days of the written record of judgment being sent to the parties. The claimant's application for a reconsideration was received the same day as the written record of the judgment was sent to the parties, so is made in time. The claimant then sent five further e mails on 24 & 25 January 2025 which have been considered as part of his application for reconsideration. The Tribunal's written reasons were sent to the parties on 28 January 2025 at the claimant's request.

2. The initial process for reconsideration is set out in rule 70 of the ET Rules:

*"70.—(1) The Tribunal must consider any application made under rule 69 (application for reconsideration).*

*(2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal."*

Paragraph 6 of the Practice Direction of the Senior President of Tribunals on Panel composition in the Employment Tribunals and Employment Appeal Tribunal dated 29 October 2024 provides

*"6. In respect of any other matter an Employment Tribunal is to consist of a judge. This includes consideration of whether a party's application for reconsideration discloses a reasonable prospect of a judgment being*

*varied or revoked.*

This initial application for reconsideration has therefore been considered by Employment Judge Flood alone.

3. The application for reconsideration appears to be made on the following grounds:
  - a) The Tribunal made "*incorrect and false*" findings in relation to the written references of Ms I Dahunsi which the claimant says were in the bundle (and attached again in his reconsideration application). The claimant contends that Mr Malik saw this written reference and that the act to put a flag on its database was a detriment;
  - b) The finding that Mr Malik did not know the claimant's age was disputed on the basis that it was accessible easily through Google;
  - c) That the findings in relation to Mr Malik's e mails sent via the Bullhorn system show that this was "*tampered with*" to harm the claimant;
  - d) The Tribunal wrongly found that the conversation with Mr Harding was fictitious; and
  - e) The Tribunal Judge made the claimant "*feel stupid*" which is a "*habitual practice*" at the Birmingham Employment Tribunal. The claimant also contends that the judgment was "*harsh and disproportionate and violent and false*". He further stated that the judgment was a "*litany of falsities and untruths*"; that it "*demonized*" him; and was "*theatrical and very harmful*". The claimant made reference to what he describes as a BBC "*scanda*" involving Employment Judge Lancaster and suggests the decision is a repeat of this.
4. The Tribunal hearing was the claimant's opportunity to give information, ask questions and raise issues about all matters before the Tribunal. The claimant attended the hearing, gave evidence; cross examined the respondent's witness at length and was able to give his submissions on the matters to be determined. A request for reconsideration is not an opportunity for a party to seek to re-litigate matters; it does not entitle a party who is unhappy with or disagrees with the decision to re-open issues that were determined. A reconsideration is potentially a route for a party to raise new matters, but only where these have subsequently come to light after the hearing and where that party can explain why the matter was not raised before. It is a fundamental requirement of litigation that there be certainty and finality.
5. I have read through the application for reconsideration contained in the various e mails in detail. Generally the claimant makes points about the findings of fact, and why he says that the Tribunal should have made different findings. I make the point again that an application for reconsideration is not a route for challenging again findings of fact which a party disagrees with. The hearing itself was the opportunity to call evidence and make submissions to assist the Tribunal in making findings of fact. Each of the points made by the claimant are addressed in turn below:
  - a) In relation to the written reference of Ms I Dahunsi. It is correct that the attachment sent along with his application for reconsideration which appears to be a screenshot of an e mail was in the bundle of

documents before the Tribunal at page 233 and was read by the Tribunal. It appears to be an undated screenshot with the heading "CV 24.docx". There does not appear to be any evidence at all that Mr Malik saw this document in October 2021 or indeed after. Moreover the respondent admitted that the act to put a flag on its database was a detriment to the claimant (see paragraph 19.10 of the written reasons). The issue was the reason for this and the Tribunal concluded that this was not because of age (see paragraph 27 of the written reasons).

- b) The issue of the claimant's age being accessible easily through Google was raised by the claimant and considered by the Tribunal (see paragraph 19.4 of the written reasons). The finding of fact on the balance of probabilities was that Mr Malik did not know the claimant's age.
  - c) Again the respondent admitted that Mr Malik added a note to its Bullhorn system to the effect that the claimant should not be considered for positions (see paragraph 19.10 of the written reasons).
  - d) The Tribunal found as a fact on the balance of probabilities that the conversation with Mr Harding did not take place as alleged (see paragraph 19.14). There is nothing raised in the application for reconsideration which appears to give reason why a different finding should have been made.;
  - e) In relation to the claimant's comments about how he says he was made to feel and the judgment, then there are other forums for such matters to be raised. The Tribunal made findings on credibility as part of its fact finding exercise based on the evidence and submissions before it.
6. Therefore having considered the matters raised, there is nothing in the application which indicates that it is in the interests of justice to re-open matters for a reconsideration. The substance of the claimant's application is to challenge findings of fact. The application is an attempt to re-litigate what was explored at the hearing. The claimant's application does not identify any new matters but largely makes points already raised (or which clearly could have been raised) at the hearing itself.
7. There is no clear reason given as to why it would be in the interests of justice to reconsider. The discretion to refuse the application for reconsideration is therefore exercised as there is no reasonable prospect of the judgment being varied or revoked. The claimant's application for a reconsideration is therefore rejected.