



EMPLOYMENT TRIBUNALS

Claimant: Mr William Atidzah

Respondent: GXO Logistics UK Ltd

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The Judgment of the Tribunal is that the Claimant's application dated 15 October 2024 for reconsideration of the Reserved Judgment dated the 21 August 2024 and sent to the parties on 2 October 2024 is refused because there is no reasonable prospect of the decision being varied or revoked.

REASONS

1. The Claimant's claims for unfair dismissal, and age and disability discrimination were not presented within the applicable time limit and were dismissed by way of a Reserved Judgment dated the 21 August 2024, and sent to the parties on 02 October 2024.

2. The Claimant made an application for reconsideration by email dated 15 October 2024, which was brought to my attention on the 27 March 2025.

The Law

3. The Employment Tribunal Procedure Rules 2024 ('the Rules') set out the applicable procedure in applications for reconsideration of a judgment.

4. Under Rule 69 of the Rules, the Employment Tribunal may consider an application for reconsideration made in writing sent to the Tribunal within 14 days of the later of—

(a) the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or

(b) the date that the written reasons were sent, if these were sent separately.

5. The process by which the Tribunal considers an application for reconsideration is set out in Rule 70. Rule 70(2) provides that where an Employment Judge considers that there is no reasonable prospect of the original decision being varied or revoked, the application shall be refused and the Tribunal shall inform the parties of the refusal.

6. Guidance for Tribunals on how to approach applications for reconsideration was given by Simler P in the case of Liddington v 2Gether NHS Foundation Trust UKEAT/0002/16/DA. Paragraphs 34 and 35 provide as follows:

“34. [...] a request for reconsideration is not an opportunity for a party to seek to relitigate matters that have already been litigated, or to re-argue matters in a different way or adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered. Tribunals have a wide discretion whether to order reconsideration. Where [...] a matter has been fully ventilated and properly argued, and in the absence of any identifiable administrative error or event occurring after the hearing that requires a reconsideration in the interests of justice, any asserted error of law is to be corrected on appeal and not through the back door by way of a reconsideration application.”

8. The Claimant's application was received within the relevant time limit in accordance with Rule 69, and was copied to the Respondent.

9. The application for reconsideration was made on various grounds but in essence it was alleged that the Tribunal had failed to give sufficient weight to the Claimant's evidence and had misapplied the law.

10. The grounds set out made in support of the application are an attempt to relitigate issues which were explored and ventilated in detail at the hearing. The Tribunal has made clear findings of fact. It is not the purpose of a reconsideration application to allow a party to dispute a determination of a finding of fact that it disagrees with or is an opportunity to rehearse the arguments that have already been made. It is a fundamental requirement of litigation there is certainty and finality.

12. The application for reconsideration does not raise any procedural error or any other matter which would make reconsideration necessary in the interests of justice. Also, the Claimant has not argued or identified an error of law, which is a matter for appeal and not reconsideration.

13. In the circumstances the application for reconsideration of the judgement is rejected on the basis that there is no reasonable prospect of it being varied or revoked.

14. Accordingly, the application for reconsideration is therefore refused.

Authorised by:

Employment Judge L Brown

Date: **19 April 2025**

Sent to the parties on: 15 May 2025

For the Tribunal Office.

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>