



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P Chmielewski

**Respondent:** The Symphony Group PLC

## JUDGMENT ON APPLICATION FOR RECONSIDERATION

Pursuant to rule 68(1) of the Employment Tribunal Procedure Rules 2024 the claimant's application for the judgment dated 14 April 2025 to be reconsidered is refused as there is no reasonable prospect of the original decision being varied or revoked.

## REASONS

1. The written judgment striking out the claims in this case and the reserved judgment on the application for costs were sent to the claimant on 15 April 2025. The claimant sent two emails to the Tribunal within a minute of each other on 29 April 2025. The substance of both these emails appeared to be the same. The claimant stated that he requested that "the court costs be cancelled in favour of the respondent and that my case be reopened". This was a lengthy email and referred to various human rights breaches and other alleged violations of the claimant's rights.
2. The claimant also refers to challenging that the claim was struck out. I have treated the email as a request for reconsideration of the judgment under Rule 38 of the Employment Tribunal Procedure Rules 2024 and the reserved judgment on costs.
3. The judgment was a unanimous judgment of the Tribunal. The claimant refused to continue with the hearing and to answer questions with the assistance of the interpreter. The Tribunal provided the services of an interpreter in order to assist the claimant and the Tribunal. The claimant made no complaints about the provision and assistance of the interpreter until the third day of the listed five-day hearing.
4. The claimant refused to continue with the hearing unless the documents were translated in full. The claimant had the benefit of the documents before the hearing.

although he had failed to agree the final hearing bundle despite having been ordered to do so. The claimant had refused to answer questions and was not prepared to continue with the hearing without full translations of the documents. It was found that it was no longer possible to have a fair hearing as the manner in which the proceedings had been conducted by the claimant had been unreasonable.

5. With regard to the costs judgment, once again this was a unanimous decision of the Tribunal and, although the respondent sought the sum of £72,881.33 costs, the amount awarded to be paid by the claimant limited to a contribution to the respondent's costs of £1,000. The Tribunal gave careful consideration to the claimant's means and was of the view that the claimant's conduct of the proceedings was unreasonable and it was no longer possible to have a fair hearing. It was appropriate to make an order for costs in the exceptional circumstances and the amount of costs was proportionate bearing in mind the information the Tribunal was provided with in respect of the claimant's means.
6. The claim was struck out as a result of the claimant's conduct of the proceedings. It was not on the same basis as the reason the deposit order was made which was on the basis of those of the claims which it had been earlier determined had little reasonable prospects of success.
7. There is a public policy principle that there must be finality in litigation and reviews are a limited exception to that principle. In the case of **Stevenson v Golden Wonder Limited [1977] IRLR 474** makes it clear that a review (now a reconsideration) is not a method by which a disappointed litigant gets a "second bite of the cherry". Lord McDonald said that the review (now reconsideration) provisions were:

"Not intended to provide parties with the opportunity of a rehearing at which the same evidence can be rehearsed with different emphasis, or further evidence adduced which was available before".
7. That remains the case and I consider There is nothing within the claimant's application that would provide a reasonable prospect of the judgment being varied or revoked and the application for reconsideration is refused.

***Employment Judge Shepherd***

9 May 2025