



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss S.Harcarikova

**Respondent:** Happy Kombucha Ltd

## JUDGMENT

The judgment of the Tribunal is as follows:

The claimant's application, received by email by the Tribunal on 16 February 2025, for reconsideration of the judgment dated 14 January 2025 dismissing her complaints (following a final hearing on 13 and 14 January 2025) is refused.

## REASONS

1. I have undertaken preliminary consideration of the claimant's application for reconsideration of the judgment dismissing her claims. The claimant's application is contained in a three-page document attached to the email noted above.

### The Law

2. The ability to reconsider a judgment is set out at Part 12 of the Employment Tribunal Procedure Rules 2024 ("the Rules").
3. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final.

4. The test, as set out in Rule 68 is whether it is 'necessary in the interests of justice' to reconsider the judgment.
5. Rule 70(1) of the Rules requires the Tribunal to consider any application made for reconsideration. Rule 70(2) of the Rules provides that if the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked the application must be refused and the parties informed.
6. Accordingly I have considered with care the application which is made in this case.
7. The importance of finality in decision making was confirmed by the Court of Appeal in Ministry of Justice v Burton and anor [2016] EWCA Civ 714 in where Elias LJ said that:

*“the discretion to act in the interests of justice is not open-ended; it should be exercised in a principled way, and the earlier case law cannot be ignored. In particular, the courts have emphasised the importance of finality (Flint v Eastern Electricity Board [1975] ICR 395) which militates against the discretion being exercised too readily; and in Lindsay v Ironsides Ray and Vials [1994] ICR 384 Mummery J held that the failure of a party's representative to draw attention to a particular argument will not generally justify granting a review.”*

8. Similarly in Liddington v 2Gether NHS Foundation Trust EAT/0002/16 the EAT - Simler P - said at paragraph 34 that:

*“a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or by 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.”*

### **The Application**

9. The claimant’s application, in my assessment, does not set out grounds for reconsidering the Judgment. The application draws on a number of passages of the judgment where I have considered the facts and ultimately invites me to consider if I have reached the correct determination overall. It makes submissions which mirror those advanced by the claimant at the hearing but importantly it does not set out any new evidence (which for example could not reasonably have been put forward at hearing) or highlight any significant matter which has not been addressed within the judgment.
10. Having considered all the points made by the Claimant in the application I must apply Rule 70(2) and I am satisfied on the material presented that there is no reasonable prospect of the original decision being varied or revoked. The points urged on me are matters which have been considered and addressed. The application for reconsideration is refused.

Employment Judge Richter  
5 March 2025

Judgment sent to the parties on:

21<sup>st</sup> May 2025  
For the Tribunal:

O.Miranda

**Note**

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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