



EMPLOYMENT TRIBUNALS

Claimant: Mr E Andrulenas

Respondent: Tesco Stores Limited

JUDGMENT (Reconsideration)

The Claimant's application dated 22 April 2025 for reconsideration of the judgment sent to the parties on 8 April 2025 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked under Rule 68 Tribunal Rules 2024, because:

1. The Claimant's application for a reconsideration states that it was not reasonably practicable for him to bring his claims in time because there was an ongoing criminal investigation for which he was waiting the outcome; he says the ongoing police investigation was the circumstance which meant that he could not bring his claims in time. The ongoing criminal investigation and the advice he took about his Tribunal claim around the time of his dismissal was a matter fully addressed at the hearing in evidence and submissions.
2. Based on the evidence before me I decided (para 12) that the reason the Claimant did not bring his claims on time was because either he was wrongly advised about time limits (that he could not bring the claim until the investigation was completed) or because he misunderstood the advice he was given. These were not reasons making it not reasonably practicable to bring his claims in time.
3. The Claimant says in his reconsideration application that the ongoing investigation was a reason he could not bring his claim in time but I decided based on the evidence at the hearing that the reason for the delay was the wrong advice he was given or his misunderstanding of that advice and that it was reasonably practicable for him to have brought his claim in time. The background to that advice was the ongoing criminal investigation but it was not the investigation in itself which I found to be the reason his claim was late, it was the advice (paras 13-14). This was not a situation where the Claimant had taken no advice and had instead simply waited until told by

police that the criminal investigation was being dropped; the point was that he was able to contact multiple lawyers to take advice.

4. I did not find that the Claimant could or could not bring his claim in time simply because there was an ongoing criminal investigation; my decision was about the advice he received about that investigation, which was relevant to the 'not reasonably practicable' test.
5. Because I decided that it was reasonably practicable to bring the claims in time, I did not need to go on to consider whether they had been brought within a further reasonable time under s111(2)(b) Employment Rights Act 1996 (an issue the Claimant raises in his reconsideration request).
6. Rule 68(1) Tribunal Rules 2024 provides that a Tribunal can reconsider a judgment where it is in the interests of justice to do so.
7. I decide that there is no reasonable prospect that the judgment will be varied or revoked under Rule 70(2). The Claimant seeks to re-argue his case. All matters relevant to the test to be applied were fully considered at the hearing and it is not in the interests of justice to consider them again, due to the principle of finality in litigation.

Employment Judge Reid

Dated: 21 May 2025