



EMPLOYMENT TRIBUNALS

Claimant: Ms L Jones

Respondent: Legends Leisure Limited

JUDGMENT

The Respondent's application received on 11 April 2025 for reconsideration of the judgment sent to the parties on 1 April 2025 is refused.

REASONS

The law

1. An application for reconsideration is an exception to the general principle that (subject to an appeal on a point of law) a decision of the Employment Tribunal is final.
2. Rule 68 Employment Tribunal Procedure Rules 2024 sets out the test on reconsideration which is whether it is necessary in the interests of justice to reconsider the judgment. Pursuant to Rule 70(2), if the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked, the application must be refused and the Tribunal must inform the parties of the refusal.
3. The importance of finality was confirmed by the Court of Appeal in **Ministry of Justice v Burton and anor** [2016] EWCA Civ 714 and in **Liddington v 2Gether NHS Foundation Trust** EAT/0002/16 Simler P said that a
4. *'request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or 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 of litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite of 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"

5. There is no reasonable prospect of the original decision being varied or revoked, because having reviewed the correspondence in the period leading up to the final hearing on 1 April 2025 regarding the Respondent's application to postpone, and her notes of the final hearing, Employment Judge Brace is satisfied that:
 - a. The Respondent's stated inability to attend the final hearing held remotely (by CVP) had been taken into account prior to, and again at the outset of the hearing in her decision to proceed with the final hearing in the Respondent's absence; and
 - b. The fact that the Claimant had received £1,000 from the Respondent had also been taken into account and accepted to be an ex gratia payment without condition.
6. The purpose of the reconsideration is not to provide the parties with the opportunity of adducing further evidence and there is a strong public interest that there should, so far as possible, be finality of litigation.

Employment Judge R Brace

13 June 2025

JUDGMENT SENT TO THE PARTIES ON

16 June 2025

Kacey O'Brien
FOR THE TRIBUNAL OFFICE