



EMPLOYMENT TRIBUNALS

Claimant: Mr G Mitchell

Respondent: Marshall Motor Group Limited

Upon an application made by the Claimant by email dated 6 April 2025 to reconsider the judgment given orally on 13 February 2025 (the written record of which was sent to the parties on 25 March 2025) (“the Judgment”), and without a hearing:

JUDGMENT ON RECONSIDERATION

The Claimant’s application dated 6 April 2025 for reconsideration of the Judgment is refused.

REASONS

- 1) The Claimant’s email of 6 April 2025 has been treated as an application for reconsideration, governed by Rules 68 to 71 of the Employment Tribunal Procedure Rules 2024.
- 2) Rule 68 provides that a tribunal may, either on its own initiative or on the application of a party, reconsider any judgment where it is “necessary in the interests of justice to do so”. This allows an Employment Tribunal a broad discretion to determine whether reconsideration of a judgment is appropriate in the circumstances. The discretion must be exercised judicially. This means having regard not only to the interests of the party seeking the reconsideration but also the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.
- 3) The Tribunal dealing with the question of reconsideration must seek to give effect to the overriding objective to deal with cases fairly and justly.
- 4) The procedure upon a reconsideration application is for the Tribunal to consider the application and determine if there are reasonable prospects of the original decision or judgment being varied or revoked. Essentially, this is a reviewing function in which the Employment Judge must consider whether there is a reasonable prospect of reconsideration in the interest of justice. There must be some basis for reconsideration. It is insufficient for an applicant to apply simply

because they disagree with the decision.

- 5) If the Employment Judge considers that there is no such reasonable prospect then the application shall be refused. Otherwise, the original decision shall be reconsidered at a subsequent reconsideration hearing. The Employment Judge's role therefore upon considering such an application is to act as a filter to determine whether there is a reasonable prospect of the Judgment being varied or revoked were the matter to be considered at a reconsideration hearing.
- 6) This case was heard on 13 February 2025 by CVP video hearing. The Claimant represented himself. The Respondent was represented by counsel.

The Claimant's application

- 7) The Claimant's reconsideration application refers to, in summary:
 - a) The dismissal of his claim for unfair dismissal at the start of the hearing;
 - b) The dismissal of the Claimant's claims for unlawful deductions from wages, due to these claims failing, both in respect of:
 - i) A guaranteed bonus;
 - ii) Parking fines; and
 - c) The Claimant says that he was told that the reasons for the Judgment would not be given, and says that wrong law ("section 18 of employment law") was referred to.
- 8) Dealing with each in turn:

Unfair dismissal

- 9) Having reviewed the file prior to the hearing, at the start of the hearing I raised an issue of jurisdiction with the Claimant, namely that he did not have two years' service.
- 10) The Claimant had previously been sent a strike out warning by the Tribunal (on 11 June 2024), explaining the requirement of section 108 of the Employment Rights Act 1996 to have two years' service to be able to bring a claim, and requiring the Claimant to write to the Tribunal to give reasons why his claim should not be struck out. The Claimant replied to the Tribunal on 7 July 2024, objecting to the strike out of his claim. The Tribunal wrote to the Claimant again on 19 July 2024 asking him to set out the basis on which he says he was able to bring a claim for unfair dismissal. The Claimant replied on 2 August 2024, setting out the issues of unfairness alleged in respect of his dismissal (including referring to having been off sick with what is described in the Claim Form as a "temporary medical issue").
- 11) In discussing the issue of jurisdiction at the hearing, the Claimant raised that he had previously been asked about this in correspondence by the Tribunal and asked why the Tribunal had not dealt with it previously. The Claimant

expressed dissatisfaction that I was unable to comment on that. However, the reason for the lack of jurisdiction was discussed with and explained to the Claimant and no exceptions to the requirement to have two years' service were identified.

- 12) The Claimant's application for reconsideration does not set out any other grounds on which the Claimant's claim for unfair dismissal could proceed and re-makes the points he made previously. There are no reasonable prospects of the original dismissal judgment being varied or revoked.

Unlawful deductions from wages

- 13) The matters raised by the Claimant in his application for reconsideration were raised at the hearing and were considered in the light of all of the evidence presented before I reached my decision. I understood the basis of the Claimant's claim. The interpretation of the contract of employment and related documents was examined and dealt with in witness evidence, cross examination and submissions. I drew conclusions from the evidence that I consider were appropriate and open to me to make. This includes interpreting the Claimant's contract of employment. An application for reconsideration is not a route for me to change my mind without some other new evidence.
- 14) In my view, this application is an attempt to re-litigate what was explored in detail at the hearing. The Claimant's application re-makes points he made in the hearing and does not raise any new information which would make reconsideration necessary in the interests of justice. There are no reasonable prospects of the original judgment being varied or revoked.

Reasons for the Judgment

- 15) Prior to delivering Judgment, the parties were informed that, unless written reasons were requested, the written Judgment would be a short Judgment confirming the outcome, and they were therefore advised to take notes of the reasons given. Full reasons were given orally when Judgment was given. Section 13 of the Employment Rights Act 1996 was referred to, which sets out the right not to suffer unauthorised deductions from wages. There is also a footnote to the written record of the Judgment setting out that reasons for the judgment were given orally at the hearing and that 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.
- 16) There are no reasonable prospects of the original dismissal judgment being varied or revoked on this basis.

17) Summary

- 18) I do not doubt that the Claimant is unhappy with the Judgment. However, it is not the purpose of reconsideration to allow a party to dispute a determination on the basis that they disagree with the decision and it is a fundamental requirement of litigation that there is certainty and finality.

- 19) If conclusions made are disputed with regard to whether a correct interpretation of the law was made, they are matters for an appeal to the Employment Appeal Tribunal
- 20) For all of the reasons outlined above, the Claimant's application for reconsideration of the Judgment in his case is refused because there is no reasonable prospect of the Judgment being varied or revoked.

Employment Judge Youngs
05 May 2025

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