



EMPLOYMENT TRIBUNALS

Claimant: Mr Ralph Hadley

Respondent: Haier Smart Home UK & I Limited

UPON FURTHER APPLICATION made by the Claimant to reconsider the Reconsideration Judgment sent to the parties on 28 May 2025 ("**Reconsideration Judgment**"), following an earlier application for reconsideration of a Judgment sent to the parties on 25 April 2025 ("**Judgment**") under rule 69 of the Employment Tribunals Rules of Procedure 2024 ("**Rules**").

JUDGMENT

The Claimant's further application for reconsideration is refused and the Judgment and Reconsideration Judgment are confirmed.

REASONS

Background

1. The Claimant initially applied for reconsideration of the Judgment on 6 May 2025, which I rejected in the Reconsideration Judgment. The summary in that document of the applicable issues and law also applies to this further reconsideration.

The further application

2. The Claimant submitted an application for reconsideration of the Reconsideration Judgment in a 12-page document attached to an email of 28 May 2025.
3. Again, much of the further application involved disagreements with my findings and conclusions, and, as I noted in the Reconsideration Judgment, it is not appropriate for a Tribunal to revisit its conclusions simply on the basis that a party disagrees with them.
4. However, the further application appeared to raise two fresh matters; that the Claimant has only one eye, and my conduct of the hearing on 14 April 2025. The Claimant also returned to two of the matters raised in the initial reconsideration application; my conclusion that he was physically well

enough to have progressed his claim towards the end of May 2024, and the impact of delay by the Respondent. I deal with each of those in turn.

Conclusions

Additional medical issue

5. The Claimant raised in his reconsideration application, having not mentioned it before, issues regarding his education and his dyslexia. In his further application, he raised, for the first time, an expansion of those matters, noting that he only has one eye. That was not mentioned prior to or during the hearing, or in the initial reconsideration application.
6. I noted in the Reconsideration Judgment that, if the Claimant was raising additional health matters as the basis of an application on the ground that new evidence has become available, it has been long established, following the case of ***Ladd –v- Marshall [1954] 1 WLR 1489***, that the party making the application needs to be able to show that the new evidence could not have been obtained with reasonable diligence for use at the original hearing, was relevant and would probably have had an important influence on the hearing, and was apparently credible.
7. As I noted in the Reconsideration Judgment, there does not seem to have been any reason why evidence about the Claimant's education and dyslexia could not have been put forward at the hearing, and the same applies to the information that the Claimant has only one eye.
8. Beyond that, I had no indication during the hearing that the Claimant had any difficulty in reading documents. Also, the Claimant referred in the further reconsideration application to being disabled, but, in his Claim Form, he answered, "No" to the question, "*Do you have a physical, mental or learning disability or health condition that means you need support during your case?*"
9. More acutely however, there was no indication that the Claimant's condition had impacted on his ability to submit his Tribunal claim in time, which was the key issue I had to consider.

Conduct of the hearing

10. The point raised by the Claimant about the hearing appeared to build on his indication that he has only one eye and therefore had difficulty in considering documents during the hearing. It was contended that I denied the Claimant help from his wife as she tried to help him when she knew that the Claimant could not read the documents, warning her not to even try to help the Claimant, and intimidating her with a threat of removal.
11. I did not prevent Mrs Hadley from helping the Claimant to read documents. Had such a request been made, I would have been happy to have permitted the assistance. What I was concerned about was Mrs Hadley's tendency to try to answer questions for the Claimant. I had to intervene on several occasions, I would estimate four or five, pointing out to Mrs Hadley that the evidence had to be her husband's alone.

12. I am confident that my interventions were polite, even on the last occasion, when I had to point out to Mrs Hadley that I had warned her on several occasions. I did, at that stage, point out that I had power to remove her from the hearing room, but went on to comment that I really did not want to have to do that. I do not consider that to have been a threat, or that it was intimidatory.
13. In any event, as I have noted above in relation to the Claimant's lack of an eye, I had no concern during the hearing that the Claimant was in any difficulty understanding what he was being asked or what the documents he was being referred to said. Also, again as I have already noted, there was no indication during the hearing that the Claimant's conditions had impacted on his ability to submit his Tribunal claim in time, which was the key issue for me.

The reduction of the impact of the Claimant's operation and its after-effects on the Claimant's abilities by the end of May 2024

14. I explained at paragraphs 18 and 19 of the Reconsideration Judgment the evidence which had led me to conclude that the impact of the Claimant's operation on him, whilst causing issues for him for about a month after the operation on 26 April 2024, did not thereafter prevent him from pursuing matters, at a point where he had until 30 June 2024 to do so.
15. The Claimant returned to that point in his further application. I repeat the observations I made in the Reconsideration Judgment, but also add that my notes from the hearing record the following exchange between the Respondent's representative and the Claimant:

"Q: When were you able to leave bed and go outside to do sedentary things?"

A: About a month.

16. I remain of the view that my conclusion, that the Claimant was not physically impacted by his operation and its after-effects to the extent that he was unable to pursue his Tribunal claim after the latter part of May 2024, was a justified one on the evidence. As I noted in the Judgment, the Claimant then had until 30 June 2024 to take the first step in pursuing his claim, that of contacting ACAS to commence early conciliation.

Impact of delay by others

17. The Claimant reiterated his point that the Respondent had delayed in replying to a letter he had sent, pointing out that the Respondent had not replied for a month, in comparison with the Claimant being nineteen days out of time.
18. However, as I noted in the Judgment, the focus when considering time limits is on the Claimant and not on others. As I noted in the Judgment, I did not consider that the Claimant's decision to wait for a reply from his former employer justified his failure to take the step of contacting ACAS by 30 June

2025. He could have waited for a reply for nearly three weeks had he wished, and still been in time.

19. Overall therefore I remain of the view that there is no reasonable prospect of the original decision being varied or revoked, and I therefore refuse the further reconsideration application.

Authorised for issue by
Employment Judge S Jenkins
2 June 2025

Sent to the parties on:

19 June 2025
For the Tribunal Office:
Adam Holborn