



EMPLOYMENT TRIBUNALS

Claimant: Ms D Bordas

Respondent: Thames Clippers Ltd

JUDGMENT

The claimant's application dated 21 May 2025 for a reconsideration of the notice confirming dismissal sent to the parties on the same date is refused.

REASONS

1. The power to reconsider is contained in rule 68 of the Employment Tribunal Rules 2024:

'(1) 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.

(2) A judgment under reconsideration may be confirmed, varied or revoked.

(3) If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so, the Tribunal is not required to come to the same conclusion.'

and rule 70(2) states:

'If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.'

2. The power is not open-ended. It is limited not least by the need for finality in litigation. Also, the remedy should a Tribunal have made an error of law will usually be an appeal to the EAT.
3. There is no reasonable prospect of the dismissal of this claim being varied or revoked.
4. Following the non-attendance by the claimant at a case management preliminary hearing before Judge Leith on 18 February 2025, an Order was sent

to her by email on 19 February 2025. She was ordered to write to the Tribunal and the respondent by 4pm on 4 March 2025 explaining the reason for her non-attendance and enclosing relevant evidence. That order stated (in bold):

‘If the claimant does not comply with this order, her claim will stand as struck out without further order.’

5. I note the email exchanges and telephone calls between the Tribunal and the claimant in the days before and on the morning of that hearing which are described in Judge Leith’s Order.
6. When I reviewed the file on 1 May 2025, almost 2 months after the date for compliance, the Tribunal had received no contact from the claimant. She had therefore failed to comply with the Order and on my instruction the notice confirming dismissal of claim was sent to her on 21 May 2025.
7. The claimant’s request for the dismissal to be set aside (in effect an application for a reconsideration) was generally on the ground that it would be in the interests of justice to do so. In particular she referred to the respondent failing to reply to her request for a personal email address for ‘communication and disclosure’ and that this omission impeded her ability to respond meaningfully and within the timeline.
8. It is apparent on the face of the file that even if the claimant did request a ‘personal’ email address from the respondent and they did not do so, this presented no bar whatsoever to her complying with the Order as she had their ‘legal@thamesclippers.com’ email address. Indeed it was to that address that she copied her reconsideration application.
9. Further, if for some reason the claimant felt that she could not use that address she would have been at liberty to send the requested information direct to the Tribunal and explain why she was unable to copy it to the respondent.
10. Whilst recognising the impact on the claimant of refusing her application, the impact on the respondent and the Tribunal system of material non-compliance with orders is also to be taken account. It is not in the interests of justice for the application to proceed further.

APPROVED BY JUDGE ANDREWS

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Employment Judge Andrews
23 June 2025