Case Number: 2300003/2022

EMPLOYMENT TRIBUNALS

Claimant: Mr S Beaumont

Respondent: Iceland Foods Ltd

JUDGMENT

The claimant's applications dated 6th April and 3rd May 2025 for reconsideration of the judgment sent to the parties on 25th March 2025 is refused because there is no reasonable prospect of the decision being varied or revoked.

REASONS

Introduction

1. By way email dated 6th April 2025 Mr Beaumont applied to set aside the judgment in the above case, which dismissed the appeal pursuant to Rule 47 of the Employment Tribunal Procedure Rules 2024.

2. On 3rd May 2025 Mr Beaumont reiterated his application.

3. Unfortunately, although these applications should have been referred to me, they appear to have gone astray. On 2nd July 2025 I received an email seeking an update. This lead me to examine the Tribunal's electronic file, which included the applications. I apologise to Mr Beaumont for the delay that this has caused.

4. In order to set out the Employment Tribunal's reasoning in relation to this application, it is necessary to summarise the events that lead to the previous judgment.

5. The case was listed before the Employment Tribunal for a five-day final hearing, beginning on the 17th March 2025. On 12th March 2025, by email, Mr Beaumont requested a postponement of that hearing. He wrote that the reason for the request was medical reasons and that he needed more time to gather documents. He said that he had requested a doctor's note to support his request.

6. The application to postpone had not been resolved when the hearing was due to begin on the 17th March 2025. Mr Beaumont did not attend the hearing. He was rung by the Tribunal clerk and he reiterated that he wished the hearing to be adjourned for medical reasons.

7. The Employment Tribunal emailed Mr Beaumont at 11.20 on the 17th March 2025 as follows:

> Dear Claimant,
>
> I have spoken to Employment Judge Reed about your non-attendance of the hearing today, and he has instructed me to write to you in the following terms:
>
> *"This hearing has been listed for a five-day final hearing before the Tribunal beginning today. The claimant, Mr. Beaumont, has not attended the hearing. On the 12th March 2025 he wrote to the Tribunal requesting that the hearing be adjourned. He wrote that this application was made on 'medical grounds' and described his health as having been unstable over the past year. The Tribunal clerk rang the claimant this morning and had a conversation in which the claimant reiterated this request.*
>
> *The respondent had previously made an application to strike out the claim, on the basis that the claimant has not complied with the Tribunal's case management orders in respect of document disclosure and witness statements.*
>
> *The Tribunal has concluded that it should delay consideration of both the adjournment application and the strike out application until* ***tomorrow 18th March 2025 at 10am****. This is in order to give the Mr. Beaumont the opportunity to either attend or to provide a fuller explanation of his medical circumstances.*
>
> *At present the Tribunal has very little information about Mr. Beaumont health, how it has impacted on his ability to prepare for the hearing or why he is unable to attend today. Mr. Beaumont should write to the Tribunal providing more information.*
>
> *In particular, he should summarise:*
> - *What medical condition he is dealing with,*
> - *How it has impacted on his ability to prepare for the hearing and,*
> - *Why it means that he has been unable to attend.*
>
> *Mr. Beaumont should provide any evidence in support of his application that he wants the Tribunal to consider. In particular, if he is able to provide medical certificates or supporting medical evidence, that is likely to assist the Tribunal.*
>
> *Tomorrow the Tribunal will decide whether a) to adjourn the hearing to a future date, b) dismiss the claims on the basis of the strike out application / Mr. Beaumont's non-attendance or c) go ahead with the final hearing."*

Kind Regards,

8. In response to that email Mr Beaumont provided two documents. The first was a record of the medication he had been proscribed (co-codamol, gabapentin, naproxen, omeprazole and venlafaxine). The second was a letter from his GP, dated 17th March 2025, addressed 'To whom it may concern'. This read:

> This letter confirms that Mr Beaumont, of the above address, has been receiving treatment for back pain, knee and ankle pain and poor mobility, as well as anxiety and depression. He has also been assessed by the sleep clinic and is on regular medication to improve his sleep pattern.
>
> Given his present state of health, he is not suitable for regular employment.

9. The Tribunal was also aware of some of Mr Beaumont's medical history from the documents contained in the bundle. In particular, his claim form explained that he had suffered an injury to his ankle at work on the 22nd of June 2020, although the severity of this injury was disputed by the respondent in their response.

10. Mr Beaumont did not attend the hearing on the 18th March 2025. Although the Tribunal gave careful thought to Mr Beaumont's application, it considered that there were insufficient grounds to justify postponing the hearing. The Tribunal accepted that Mr Beaumont experienced symptoms of back, knee, and ankle pain, all of which had an impact on his mobility. It also accepted that he had anxiety and depression.

11. There was, however, insufficient evidence to establish that these difficulties were of a nature and degree to mean that Mr Beaumont was unable to attend the hearing. The conditions described were not such that they would inherently mean that someone was unable to attend a hearing – indeed many people with such conditions attend hearings with minimal difficulty. The medical letter indicated that he was not suitable for regular employment, but that is a very different thing to being unable to attend a Tribunal hearing.

12. The hearing therefore went ahead. Mr Beaumont's case was dismissed in accordance with rule 47, which deals with non-attendance at a hearing.

The law

13. The approach to reconsideration of a judgment is set out in the The Employment Tribunal Procedure Rules 2024 rules 68-71 as follows:

> **Principles**
>
> **68.**—(1) The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) 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.

Application for reconsideration

69. Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of—

(a)the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or

(b)the date that the written reasons were sent, if these were sent separately.

Process for reconsideration

70.—(1) The Tribunal must consider any application made under rule 69 (application for reconsideration).

(2) 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.

(3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The notice may also set out the Tribunal's provisional views on the application.

(4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard to any written representations provided under paragraph (3), that a hearing is not necessary in the interests of justice.

(5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the application.

Reconsideration by the Tribunal on its own initiative

71. Where the Tribunal proposes to reconsider a judgment on its own initiative, it must inform the parties of the reasons why the decision is being reconsidered and the judgment must be reconsidered (as if an application had been made and not refused) in accordance with rule 70(3) to (5) (process for reconsideration).

14. When considering these rules the Employment Tribunal must have regard to the principles laid down by the Employment Appeal Tribunal and appellate courts. In particular:

    a. The Employment Tribunal must seek to give effect to the overriding

objective of dealing with cases fairly and justly, which includes dealing with cases in ways that are proportionate to the complexity and importance of the issues; avoiding delay, so far as this is compatible with proper consideration of the issues, and saving expense.

b. The reconsideration process is not intended to give a disappointed party another opportunity to argue the case (often described as 'a second bite at the cherry').

c. There is an underlying public policy interest in the finality of litigation; that is that legal judgments, once reached, should not be reopened and relitigated. This means that the discretion to decide whether reconsideration of a judgment is appropriate, requires consideration not only to the interests of the party seeking reconsideration, but also the interests of the other party to the litigation and the public interest.

The application to reconsider

15. Mr Beaumont's application to reconsider is largely a restatement of his application to postpone.

16. He does however provide some more information of his medical issues. In summary, he said that the pain from his injury was so severe that attending the hearing had been physically impossible. He said that he did not anticipate that his condition would worsen to the point where he wouldn't be able to participate, and that he regretted not being able to inform the tribunal in advance. He described himself as suffering from persistent back pain and a swollen ankle injury, which severely restricted his mobility. He said he was unable to walk or stand without the assistance of a walking aid and experienced significant discomfort when moving around. In addition, he said that he suffered from severe anxiety and depression which had been exacerbated by his ongoing health problems. He said that these mental health challenges made it extremely difficult for him to leave his home or travel, especially via public transport. He also described severe incontinence which added to his distress and limited his ability to be in public spaces for an extended period of time.

Conclusion

17. I have concluded that there is no reasonable prospect of the original decision being varied or revoked. This is because:

a. Mr Beaumont had the opportunity to explain his medical circumstances before the decision to dismiss the claim was made. The Tribunal made a decision based on the information and evidence that was provided. That decision should only be considered if it is necessary in the interests of justice to do so. This requires something more than a restatement of the original application to postpone.

b. Although Mr Beaumont now refers to symptoms of a severity that might well make attending an employment tribunal hearing difficult these are not substantiated by the limited medical evidence produced to the Employment Tribunal.

c. Mr Beaumont has not provided any additional medical evidence to support his application.

d. Mr Beumont now seeks to rely on additional health grounds that had not been mentioned in his applications to postpone, in particular severe incontinence. There is no explanation as to why this factor was not set out at an earlier stage or why it is not mentioned in the medical evidence.

18. For these reasons I have concluded that there is no reasonable prospect of the judgment being varied or revoked, because reconsideration is not necessary in the interests of justice. Reconsideration would be disproportionate, in that it would create unnecessary delay (not only to this case, which would need to be relisted, but also other cases that would be impacted); it would be unfair to the respondent which has already prepared for and attended a final hearing. In these circumstances, there is a strong public interest in favour of finality of litigation.

Date: 07 July 2025
Approved by
Employment Judge Reed