



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Ms Esther Chukwuocha**

**HSBC UK Bank plc**

## JUDGMENT ON RECONSIDERATION

### Rules 68 - 70 of the Employment Tribunal Rules of Procedure 2024

Upon the claimant's application made by email of 18 June 2025 to reconsider the judgment sent to the parties on 1 May 2025 with reasons sent on 14 June 2025, under Rule 70 Employment Tribunal Rules of Procedure 2024 and without a hearing:-

The application to reconsider is refused as there is no reasonable prospect of the judgment being varied or revoked.

## REASONS

### Introduction

1. The claimant's case for unfair dismissal and disability discrimination was heard by an employment tribunal in person and by CVP on 24, 25, 26, 27 and 28 March 2025 in line with a list of issues which had been drawn up at a preliminary hearing.
2. Oral judgment was given on 28 March and the short judgment sent to the parties thereafter. The claimant asked for written reasons which were provided on 14 June 2025. The claims were unsuccessful.

### The claimant's application

3. The application for reconsideration was contained in an email and several documents were also sent in support of the application. The initial application is a lengthy document of 30 pages sent on 18 June along with copies of a decision made by a colleague judge in January 2025, a medical report and a further letter. The claimant sent a follow up email on

19 June 2025 attaching several other documents, mostly of a medical nature.

4. The request for reconsideration is extremely detailed. Under 23 headings the claimant sets out why she believes the judgment should be reconsidered. I summarise, as best I can, what the claimant says. First, the claimant again raises questions about the medical documents which she is concerned the Tribunal did not see. This was a matter explored at the hearing as mentioned in paragraph 8 of the judgment.
5. Secondly, the claimant sets out, at various points, why she believes the Tribunal's conclusions were wrong and says the findings should be reconsidered but this is, in summary, an attempt to reargue her case. For instance, she states that the Tribunal failed to consider some of the posts she was not offered by way of redeployment "adequately".
6. Thirdly, the claimant also mentions in the reconsideration application that the Tribunal might not have seen her claim, mentioning (at point 20) about an "old claim" summary. She mentions, again, concerns about the bundle of documents which was explored at the hearing.

## Rules

7. The relevant employment tribunal rules for this application read as follows:

### *PART 12 RECONSIDERATION OF JUDGMENTS*

#### *Principles*

*68. – (1) A 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 latter 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 original decision 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 shall 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 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.*

8. In essence, my first task is to consider whether the application has been made in time.
9. I should then consider whether there is no reasonable prospect of the judgment being varied or revoked. If I decide there is no such prospect I must refuse the application under Rule 70 (2).

**Conclusions**

10. The application has been made in time and within the rules.
11. I must now consider whether there is a reasonable prospect of the judgment being varied or revoked.
12. Dealing first with the issue about medical evidence, there was no dispute that the claimant was a person with a disability at the material time and there was no reason for the tribunal to look in detail at all the medical evidence. It was not overlooked but was not all directly relevant for her claims. Where it was relevant, we considered it as, for example in paragraph 35 of the judgment.

13. As for the posts the claimant applied for when she was at risk of redundancy, on the basis of the evidence before us, we came to the conclusions recorded in the judgment. This is set out between paragraphs 49-59 of the judgment where we set out our findings on each post.
14. The claimant repeats many of the arguments she made in her witness statement for the hearing, which we read in detail and those made in her written and oral submissions. She has raised concerns in her application for reconsideration about the selection process for redundancy; the scoring system used; the timing of one of the interviews; the recruiter "errors"; details of her grievance and other matters. These were all matters considered at the hearing and dealt with in the judgment where relevant to the issues.
15. The claimant's electronic file has a detailed attachment to the claim form and there was a list of issues which we worked with and the claimant raised no concerns about that. Again, having looked through these documents, I can see nothing of relevance that was not considered by the Tribunal. The claimant has been disappointed in the decisions taken by the respondent and what the Tribunal decided at the hearing. That is understandable, but the Tribunal considered these aspects at the hearing, weighing the evidence before it and came to the conclusions it did after hearing the claimant's own evidence and submissions.
16. There is no reasonable prospect of the judgment being varied or revoked. I must refuse the application for reconsideration.

**Approved by**

**Employment Judge Isabel Manley**

**Dated 7 July 2025**

**Judgment sent to the parties on**

**11/07/2025**

**For Secretary of the Tribunals**