EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
Ms S Messi	v	R3Vamp Ltd

JUDGMENT (RECONSIDERATION)

The claimant's application for reconsideration of the interim relief judgment dated 9 May 2025 is refused.

REASONS

Introduction

1. I heard the claimant's application for interim relief on 7 May 2025. I refused the application, giving oral judgment and reasons at the end of the hearing. The claimant requested written reasons. Written reasons dated 9 May 2025 were sent to the parties on 2 June 2025.

2. On 8 May 2025 in an email the claimant requested reconsideration of the judgment on interim relief. The claimant's application says:

> "I am requesting a reconsideration in regards to the EJ Howasworth refusing my interim relief application which is on the grounds that 1) she took in to account irrelevant information by relying on past judgements in which counsel mark Williams refer her to and in particular in regards to messi v change grow live, 2) a failure to make findings on the issue- Jocic v London Borough, 3) she applied the wrong test in respect of detriments, 4) she applied the wrong legal test in respect of causation, 5) incorrect application of the law - Adecco v cox and she made a decision that is procedural wrong, perverse and unfair."

The rules on reconsideration

3. Rule 68 of the Employment Tribunal Procedure Rules 2024 says:

> *"(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."

4. The rule allows reconsideration only where reconsideration is necessary in the interests of justice. This reflects the public interest in the finality of litigation. The reconsideration process is not an opportunity for a party to seek to reopen matters which the tribunal has determined without any basis for doing so. There must be some basis for reconsideration.

5. Rule 69 explains when an application for reconsideration must be made:

"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."

6. Rule 70 explains the process to be followed on an application for reconsideration under rule 69. It says:

"(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."

Conclusions on the claimant's application

7. I have considered the claimant's application and I have concluded that there is no reasonable prospect of the original decision being varied or revoked. There is nothing to suggest that variation or revocation of the original decision is necessary in the interests of justice.

8. In relation to the grounds put forward by the claimant:

   8.1 Ground 1: I did not take into account any judgments in the claimant's previous claims. I explained at the hearing and in the written reasons that I did not consider the detail of those other claims to be relevant to the issues I had to consider. I decided the claimant's application for interim relief on its merits.

   8.2 Ground 2: As I explained at the hearing and in the written reasons, an application for interim relief requires a summary assessment and not a fact-finding exercise. The case of *Jocic v London Borough of Hammersmith and Fulham* (UKEAT/0194/07) does not appear to be relevant.

   8.3 As to grounds 3, 4 and 5, I set out and applied the statutory provisions and case law relevant to the application for interim relief, to protected disclosures and to unfair dismissal because of making a protected disclosure. The claimant's grounds do not identify any specific error of law or procedural failing. I do not understand the reference to detriments. If the claimant considers that there was an error of law in the interim relief judgment, the appropriate avenue would be to appeal to the Employment Appeal Tribunal.

9. The claimant's application for reconsideration is refused under rule 70(2).

Approved by:

Employment Judge Hawksworth

Date: 28 July 2025

Judgment sent to the parties on

27 August 2025

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For the Tribunal office