



EMPLOYMENT TRIBUNALS

Claimant: Mr Mateusz Gola

Respondent: Bakkavor Foods Limited

Heard at: Leicester

On: 12 September 2025

Before: Employment Judge Phillips

JUDGMENT

1. The application for reconsideration is refused because there is no reasonable prospect of the judgment being varied or revoked.

REASONS

1. On 28 March 2025, the Tribunal determined that the Claimant's claims for unfair dismissal and disability discrimination had not been presented to the Employment Tribunal in time. It further determined that in respect of the unfair dismissal claim, it had been reasonably practicable for the Claimant to bring his claim within the time limit, and, in respect of the disability discrimination claims, the Tribunal found that it would not be just and equitable to extend the time period to allow those claims to continue. Consequently, the Tribunal dismissed the claims entirely.
2. The Claimant, by application dated 13 June 2025, now seeks reconsideration of that judgment. Essentially the reasons the Claimant cites for reconsideration are:
 - a. That he had provided medical evidence detailing his medical conditions and his ability to have presented his claim in time, along with evidence that he had submitted his claim on time;
 - b. That he had complied with the order of EJ Adkinson to provide a statement in English and Polish, which was certified as a true and

- accurate translation;
- c. That technical issues he had experienced in trying to join a remote hearing on 11 March 2025 had been characterised incorrectly in the judgment, and were Tribunal staff mistakes; and
 - d. In conversations with the Respondent's Solicitor, he was reassured re-sending his statement would be ok.

The Law

3. Reconsideration is covered by the Employment Tribunal Procedure Rules 2024, as set out below:

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.

4. An application for reconsideration is an exception to the general principle that a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment.
5. A judgment will only be reconsidered where it is necessary in the interests of justice to do so. It gives the Tribunal a wide discretion, but case law suggests that it will only be applied carefully. It will not be the case that in every case where a party has been unsuccessful, they are then automatically entitled to a reconsideration. No doubt, most litigants who have not achieved the result they hoped for would argue that reconsideration would be in the interests of justice. However, case law suggests that the ground only applies where something has radically gone wrong with the procedure involving a denial of natural justice or something of that order, as per **Fforde v Black EAT 68/80**.
6. When dealing with any application for reconsideration, the Tribunal must consider the overriding objective at rule 3 of the Procedure Rules. This is to deal with cases fairly and justly, to deal with cases in a way which is proportionate to the complexity and importance of the issues, avoiding unnecessary formality and seeking flexibility in the proceedings, avoiding delay (so far as compatible with proper consideration of the issues) and saving expense.
7. The Court of Appeal in **Ministry of Justice v Burton and anor [2016] EWCA Civ 714** has confirmed the importance of finality in litigation, requiring a balancing exercise of the interests of both parties involved in the litigation.
8. Rule 70(2) of the Procedure Rules empowers an Employment Judge to refuse an application for reconsideration if there is no reasonable prospect of the original decision being varied or revoked.

Conclusions

9. Taking each of the matters raised by the Claimant in turn, he correctly asserts that he provided medical evidence which covered the period during which his claim would have to be presented. That medical evidence was fully considered in my judgment, and I made findings of fact, the discussion of which can be found at paras 21-26 of the reasons provided.
10. In respect of the matters the Claimant sets out about his translated Polish statement, the written reasons set out that all of the evidence which was before the Tribunal, which included the translated witness statement of the Claimant, was considered when I made findings of fact. The Tribunal cannot consider discussions between the Claimant and the Respondent's representatives, but in any event, I do not consider they would be sufficient as to render the findings of fact made as unsafe.
11. In respect of the technical issues the Claimant says he had in trying to join the hearing which could not go ahead on 11 March 2025; the reasons for the aborted hearing were not matters which in any way factored into the decisions about whether the Claimant had brought his claims in time.
12. Finally, the written reasons provided in this matter set out findings of fact about whether the Claimant had, in fact, presented his claim to the Tribunal within the requisite time periods. The information the Claimant has provided in his request for reconsideration, do not, in my view, render those findings, that the Claimant did not bring his claim in time, as incorrect.
13. Given the above, the medical evidence and Claimant's witness statement were fully considered in reaching the decision, as were, (so far as they were relevant to the decision before the Tribunal,) the technical issues the Claimant says he faced in presenting his claim. Consequently, I consider that there is no reasonable prospect of the judgment being varied or revoked, and I therefore refuse the application for reconsideration.

Employment Judge Phillips

Date: 12 September 2025

JUDGMENT SENT TO THE PARTIES ON

.....30 September 2025.....

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FOR THE TRIBUNAL OFFICE