



EMPLOYMENT TRIBUNALS

Claimant: Ms. S Cooper

Respondents: 1st Choice Fitted Bedroom Limited

JUDGMENT – RECONSIDERATION

The claimant's application dated 15 July 2025 for reconsideration of the judgment sent to the parties on 1 July 2025 is refused.

REASONS

1. I have undertaken preliminary consideration of the claimant's application for reconsideration of the judgment dismissing her claims. That application is contained in a 3-page document dated 15 July 2025.

The Law

2. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment.

3. Rule 70(2) of the 2024 Rules of Procedure empowers me to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.

4. The importance of finality was confirmed by the Court of Appeal in **Ministry of Justice v Burton and anor [2016] EWCA Civ 714** in July 2016 where Elias LJ said that:

“the discretion to act in the interests of justice is not open-ended; it should be exercised in a principled way, and the earlier case law cannot be ignored. In particular, the courts have emphasised the importance of finality (Flint v Eastern Electricity Board [1975] ICR 395) which militates against the discretion being exercised too readily; and in Lindsay v Ironsides Ray and Vials [1994] ICR 384 Mummery J held that the failure of a party's representative to draw attention to a particular argument will not generally justify granting a review.”

5. Similarly in **Liddington v 2Gether NHS Foundation Trust EAT/0002/16** the EAT chaired by Simler P said in paragraph 34 that:

“a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or by adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered.”

6. In common with all powers under the 2024 Rules of Procedure, preliminary consideration under rule 70(2) must be conducted in accordance with the overriding objective which appears in rule 3, to deal with cases fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, and avoiding delay. Achieving finality in litigation is part of a fair and just adjudication.

The Application

7. The claimant's application helpfully identifies 4 reasons or areas why she says the judgment should be reconsidered and changed. I deal with each in turn. Before doing so however I note that the arguments raised by the claimant are in the main, attempts to re-open issues of fact on which I heard evidence and made a determination. In that sense they represent a “second bite at the cherry” which undermines the principle of finality. Such attempts have a reasonable prospect of resulting in the decision being varied or revoked only if I missed something important, or if there is new evidence available which could not reasonably have been put forward at the hearing. A Tribunal will not reconsider a finding of fact just because the claimant wishes it had gone in their favour.

Functional Impact of the claimant's disabilities.

8. in this part, the claimant lists various impairments that she says (either individually or cumulatively) substantially impair her ability to manage deadlines, switch between tasks and sustain cognitive effort. The claimant is referred to paragraphs 22 to 25 of the reasons. Evidence and submissions about the claimant's medical conditions were considered. Also relevant on this point are the findings at paragraphs 19 and 20.

Exceptional circumstances at the time

9. The claimant's evidence about circumstances that applied to her at the time when she should have presented her claim was considered when reaching my decision. Having considered the evidence provided (including evidence about other processes in which the claimant was engaged) I decided that they did not explain the reason why the claimant was presented outside of the time limits. See paragraph 25 of the Judgment.

Physical and Cognitive Barriers

10. The evidence that was provided about the claimant's medical conditions was considered. See points in response to functional impact of disabilities, above.

Fairness and proportionality.

11. Delays in the processing of Tribunal claims are unfortunate. The delays noted by the claimant could not have had any bearing on the decision reached and set out in the judgment dated 13 March 2025 (but not sent to the parties until 1 April 2025). It would not be in the interests of justice to overturn a decision that had been made, because of later administrative delays in the Tribunal process.

12. Finally I note the point made by the claimant that she has had a prescription for medical cannabis from February 2025:-

12.1 Evidence about this could have been provided at the hearing. It was not. The claimant told me that her doctor had failed to provide the most up to date medical records. However the claimant could have for example provided a copy of a prescription, a copy of the label of the drugs (cannabis) prescribed and being used. She did not.

12.2 Information about a prescription for cannabis was not provided in the claimant's written evidence/statement or on cross examination. The claimant told me about this when making her final points (submissions). The claimant told me that she had recently been prescribed cannabis to assist in pain management because she did not want to/was unable to use opioid based pain killers.

13. This information was considered by me when reaching my decision on time limits. Whilst I made no finding of fact as to whether or not the claimant had a prescription for cannabis, I considered that, if true, it would have no material bearing on my decision that the claimant was presented out of time and that it was not just and equitable to extend time. It would not (either by itself or with other information) amount to a reason for the delay. It would not cause me to question my assessment of the merits of the case or the issue of prejudice.

Conclusion

Having considered all the points made by the claimant I am satisfied that there is no reasonable prospect of the original decision being varied or revoked. The points of significance were considered and addressed at the hearing. The application for reconsideration is refused.

Case No: 2401901/2024

DATE 22 September 2025

JUDGMENT AND REASONS SENT TO THE PARTIES ON

DATE: 14 October 2025

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FOR THE TRIBUNAL OFFICE