



EMPLOYMENT TRIBUNALS

Claimant: G

Respondent: Federated Hermes Limited

UPON APPLICATION made by email dated **25 September 2023** to reconsider the judgment dated **11 September 2023** under rule 71 of the Employment Tribunals Rules of Procedure 2013

JUDGMENT

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

REASONS

1. By rule 70 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the Rules") the Employment Tribunal may reconsider a judgment where it is necessary in the interests of justice to do so. On reconsideration, the judgment may be confirmed, varied or revoked.
2. An application for reconsideration shall be presented in writing (and copied to all other parties) within 14 days of the date upon which the written record of the original decision was sent to the parties. In this case the written record was sent to the parties on 11 September 2021.
3. Under Rule 70, a judgment will only be reconsidered where it is necessary in the interests of justice to do so. This allows an Employment Tribunal a broad discretion to determine whether reconsideration is appropriate in the circumstances. The discretion must be exercised judicially. This means having regard not only to the interests of the party seeking the reconsideration but also the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.
4. The procedure upon a reconsideration application is for the Employment

Judge that heard the case to consider the application and determine if there are reasonable prospects of the judgment being varied or revoked. This is a reviewing function in which the Judge must consider whether there is a reasonable prospect of the original decision being varied or revoked (rule 72). Reconsideration cannot be ordered simply because the applicant disagrees with the judgment.

5. If the Judge considers that there is no such reasonable prospect then the application shall be refused. Otherwise, the Judge shall send a notice to the parties setting a time limit for any response to the application by the other party and seeking the views of the parties on whether the application can be determined without a hearing (rule 72). My role, upon the considering of the application upon the papers initially, is therefore to operate as a filter to determine whether there is a reasonable prospect of the Judgment being varied or revoked were the matter to be the subject of a reconsideration hearing.
6. On 25 September 2023, the claimant sent an email to the Employment Tribunal in which he made an application for reconsideration of the Judgment. That application was presented within the relevant time limit provided for in the Rules.
7. The claimant was represented at the hearing and I heard oral evidence from him and submissions from both his representative and from the respondent's representative. I fully considered all the evidence and the arguments made at the hearing and I rejected the argument that it was not reasonably practicable for the claimant to submit his claim by 07 March 2023. I am satisfied that I applied the law correctly and gave full and adequate reasons for the decision I reached.
8. The claimant seeks to re-argue the case in his application, repeating arguments that were made at the hearing. He also seeks to rely upon the additional fact that he has ADHD to support his contention that it was not reasonably practicable for him to submit his claim by 07 March 2023. This was not mentioned at the hearing. The claimant states that his barrister refused to raise his ADHD at the hearing. However, his ADHD was not mentioned in his claim form, in his grounds of complaint, correspondence with the tribunal, nor in his witness statement dated 31 May 2023 as a reason for submitting his claim form late. In my judgment, although the appellant has now provided medical evidence which shows that he does have ADHD, I do not consider it plausible that this was a factor which caused him to submit his claim late, given his failure to mention his ADHD as a factor causing the lateness of the submission of his claim earlier in these proceedings.
9. I have considered the application carefully and in my judgment, there are no reasonable prospects of the Judgment being varied or revoked. It is not necessary in the interests of justice to reconsider the Judgment. Accordingly, the claimant's application for reconsideration fails and is dismissed.

Tribunal Judge J E Plowright

05 October 2023

JUDGMENT SENT TO THE PARTIES ON

6/10/2023

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FOR THE TRIBUNAL OFFICE