EMPLOYMENT TRIBUNALS

Claimant: **Mr M Bagbozan**

Respondent: **The Co-operative Group Limited**

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The judgment of the Tribunal is that the Claimant's application for reconsideration is refused because there is no reasonable prospect of the decision being varied or revoked.

REASONS

1. The Claimant has applied for a reconsideration of the determinations made at the preliminary hearing on 23 September 2025. The record of that hearing, and judgment dismissing the Claimant's reasonable adjustment claim, was sent to the parties on 1 October 2025. The Claimant's grounds for reconsideration are set out in his letter dated 14 October 2025. That letter was received at the tribunal office on the same date (sent by email).

2. The Employment Tribunal Procedure Rules 2024 ("the Rules") confer a power to reconsider a judgment where it is in the interests of justice to do so. Under Rule 69, an application for reconsideration under Rule 68 must be made within 14 days of the date on which the decision (or, if later, the written reasons) were sent to the parties. The application was therefore received within the relevant time limit.

3. The grounds for reconsideration are only those set out in Rule 68, namely that it is necessary in the interests of justice to do so.

4. The starting point is that only judgments can be the subject of reconsideration. Therefore the Claimant's application, whilst seeking review of various matters, is limited to the judgment that his claim that the Respondent failed to make reasonable adjustments be dismissed. The reason this claim was dismissed was that I found that the Claimant was not a disabled person, in accordance with section 6 Equality Act 2010, at the relevant time. The reasons for that decision are contained within the record of the preliminary hearing.

5. The first ground relied upon by the claimant was that his application for reasonable adjustments to be made to assist his participation in the hearing was not determined before the hearing. His application was discussed at the outset of the hearing and the adjustments requested were made, as reflected in the record of the preliminary hearing. There was no requirement for the application to be dealt with in advance, it is usual for such matters to be discussed by the Judge with the parties at the outset of a hearing if raised. The Claimant appears to suggest that he was not permitted to make written submissions and was required to make oral submissions. This was not the case. He did not provide any written submissions, either in advance of the hearing, or during it, having been given a break to allow him to prepare his submissions. He was invited to provide written submissions should he wish.

6. He further relies on the fact the Respondent served its skeleton argument on the day; that the Respondent filed its Amended Grounds of Resistance late (which was not the case); and that the hearing bundle was incomplete.

7. The Claimant was given time to review the Respondent's skeleton and prepare any further submissions in view of its content, as the Respondent's skeleton had been served on the day. As the burden of proof was on the Claimant, and he had been aware for over a month that disability was contested and was to be determined at the hearing, I considered that this was a fair and proportionate way to proceed. The Claimant raised no objection at the time.

8. The Amended Grounds of Resistance were served in accordance with the extension granted by the Tribunal. This ground has no bearing on the matter in any event.

9. The hearing bundle contained, as confirmed by the parties, all the evidence the Claimant had provided relating to the issue of disability. If the Claimant considered that the bundle was incomplete in other respects, that had no bearing on my determination as to disability status.

10. The matters raised by the claimant were considered in the light of all of the evidence presented to the tribunal before the decision was reached. The Employment Appeal Tribunal ("the EAT") in *Trimble v Supertravel Ltd [1982] ICR 440* decided that if a matter has been ventilated and argued then any error of law falls to be corrected on appeal and not by review. In addition, in *Fforde v Black EAT 68/60* the EAT decided that the interests of justice ground of review does not mean "*that in every case where a litigant is unsuccessful he is automatically entitled to have the tribunal review it. Every unsuccessful litigant thinks that the interests of justice require a review. This ground of review only applies in the even more exceptional case where something has gone radically wrong with the procedure involving a denial of natural justice or something of that order*". This is not the case here. In addition it is in the public interest that there should be finality in litigation, and the interests of justice apply to both sides.

11. Accordingly I refuse the application for reconsideration pursuant to Rule 70(2) because there is no reasonable prospect of the Judgment being varied or revoked.

_____
Employment Judge Bradford
Dated 24 October 2025

JUDGMENT SENT TO THE PARTIES ON

4 November 2025
.....

.....
FOR THE TRIBUNAL OFFICE