



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms J Wilkinson  
**Respondent:** Cleveland Fire Authority

## JUDGMENT

The claimant's application dated 24 November 2025 for reconsideration of the judgment and written reasons sent to the parties on 25 September 2025 is refused.

## REASONS

### *The Application*

1. Following the claimant's application for reconsideration made on 9 October 2025, on 24 November 2025 the claimant submitted an email entitled "URGENT — Rule 70 Reconsideration Submission" with several attachments, including a request that the Tribunal reconsiders its judgment. I am treating this as an application for reconsideration.
2. I had already made my decision in relation to her application made on 9 October 2025. I have therefore considered her further submission separately.

### *The Principles for determining the Application*

3. An application by a party for reconsideration in writing must be sent to the Tribunal, with copies to all other parties, within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties, or, if later, within 14 days of the date that the written reasons were sent, and it must set out why reconsideration of the original decision is necessary: rules 69 and 90. The material which is sent to the parties with the judgment and the written reasons makes clear the deadline for applying for a reconsideration. Although the claimant's first reconsideration application was made in time, this second submission or application was not submitted within the required timeframe.
4. I have set out the process for considering an application for reconsideration in my previous judgment and do not repeat that here except to note that, as

contemplated by the Presidential Guidance on Panel Composition, it will further the interests of justice and be in accordance with the overriding objective for me (as the Employment Judge who chaired the full tribunal which made the original decision) to consider the claimant's application for reconsideration pursuant to Rule 70(2). If I consider there is no reasonable prospect of the original decision being varied or revoked, I must refuse the application.

### *The Application*

5. I have considered whether to exercise my discretion, in accordance with Rule 5 and the overriding objective, to extend the time limit for submitting this further application.
6. This second application, for the most part, makes points which are the same or substantially the same as those raised in the first application which I refused for the reasons set out in my earlier judgment on reconsideration. Further or in any event, there are no special reasons which would alter my earlier judgment.
7. In so far as the claimant's second application seeks to introduce new points not raised in her first application, these matters could have been raised in her first application. In the second application, the claimant has also produced additional documents which she now asks me to consider. Where a claimant is seeking to persuade the Tribunal, in the interests of justice, to reconsider its judgment on the basis of new evidence, the test set out in *Ladd v Marshall [1954] 3 All ER 745, CA* applies. Normally that means showing:
  - (a) that the evidence could not have been obtained with reasonable diligence for use at the original hearing;
  - (b) that it is relevant and would probably have had an important influence on the hearing; and
  - (c) that it is apparently credible.
8. The additional evidence which the claimant identifies as being new evidence is not 'new', in the sense that it consists of records from 2019-2021 and an exchange of text messages before the claimant's employment terminated. Although the claimant has stated that she could not obtain these documents herself following her dismissal and the respondent did not disclose these documents as part of these proceedings, the claimant has not explained when she received them. I am not satisfied that this new evidence could not have been obtained with reasonable diligence for use at the original hearing. It is not in the interests of justice to permit the claimant to seek to re-litigate her position or advance new evidence in a reconsideration application in those circumstances.
9. In these circumstances, in my judgment it is not in accordance with the overriding objective to extend the time limit so as to enable the claimant to make this application outside the 14 day time limit.
10. In any event, it is inevitable that the reconsideration application would fail. I am satisfied that the Tribunal's judgment was a legally sound decision open to the Tribunal on the basis of the evidential points made at the hearing. The basis of the claimant's application, in essence, is that she disagrees with the

Tribunal's assessment of the evidence and its conclusions and is seeking to reargue the claimant's case. It is clear to me that really what the claimant is saying is that she is seeking a second bite at the cherry. The claimant is of course entitled to disagree with the Tribunal's assessment of the evidence. That is not a proper basis on which to overturn the judgment, however. Bearing in mind the importance of finality in litigation and the interests of both parties, I consider there is no reasonable prospect of the original judgment being varied or revoked, and it is not necessary in the interests of justice to reconsider the judgment. It would not be in the interests of justice to extend the time for the reconsideration application in these circumstances.

11. The claimant's second application for a reconsideration is therefore rejected.

Approved by:

**Employment Judge L Robertson**

**9 December 2025**

#### **Notes**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision. If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

[www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/](http://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/)