



EMPLOYMENT TRIBUNALS

Claimant: Mr A Verbitskiy
Respondent: Alsico Laucuba Ltd

JUDGMENT ON RECONSIDERATION

Rules 68-71 of the Employment Tribunal Rules of Procedure 2024

The claimant's email of 02 December 2025 for reconsideration of the judgment handed down on 12 September 2025 in this case is refused.

The application was made in time, following written reasons having been released to the parties on 19 November 2025.

REASONS

Introduction

1. By way of introduction, the judgment subject to this application for reconsideration was a judgment on liability. The claims presented by the claimant, namely unfair (constructive) dismissal and being subject to a detriment on the grounds of having made a Public Interest Disclosure, failed and were dismissed. This matter was determined at a Final Hearing that took place on 09, 10, 11 and 12 September 2025.
2. Oral judgment was handed down at that hearing. The claimant requested written reasons for the decision. The written reasons were sent to the parties on 19 November 2025.
3. Employment Judge Butler has seen a reply to the application by the respondent, dated 29 December 2025. He is grateful for that reply.

Applications for reconsideration

4. The position with respect reconsideration of judgments is contained within Rules 68-71 of the Employment Tribunal Rules of Procedure 2024. According to Rule 68, a Tribunal, either on its own initiative or on the application of a party, may reconsider any judgment 'where it is necessary in the interests of justice to do so'.
5. Under Rule 70 of the Employment Tribunal Rules of Procedure 2024, such an

application is to be refused, without the need for a hearing, if an Employment Judge considers that there is no reasonable prospect of the original decision being varied or revoked. Where the application is not refused, the application may be considered at a hearing, or, if the judge considers it in the interests of justice, without a hearing. Where the latter course is the course to be adopted, the judge will give the parties a reasonable opportunity to make further written representations.

6. Simler P set out the approach to be taken by tribunals when considering an application for reconsideration in **Liddington v 2Gether NHS Foundation Trust** **UKEAT/0002/16/DA**:
 - a. identify the Rules relating to reconsideration and in particular to the provision in the Rules enabling a Judge who considers that there is no reasonable prospect of the original decision being varied or revoked refusing the application without a hearing at a preliminary stage;
 - b. address each ground in turn and consider whether is anything in each of the particular grounds relied on that might lead ET to vary or revoke the decision; and
 - c. give reasons for concluding that there is nothing in the grounds advanced by the Claimant that could lead him to vary or revoke his decision.

7. Furthermore, Simler P, at paragraphs 34 and 35 of **Liddington** also explained the following:

“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 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. Tribunals have a wide discretion whether or not to order reconsideration.

Where ... a matter has been fully ventilated and properly argued, and in the absence of any identifiable administrative error or event occurring after the hearing that requires a reconsideration in the interests of justice, any asserted error of law is to be corrected on appeal and not through the back door by way of a reconsideration application.”

8. Similarly in **Trimble v Supertravel [1982] ICR 440 at 442E-G**, per Browne-Wilkinson J,

“As it seems to us the fundamental question is whether or not the industrial tribunal's decision that the employee had failed to mitigate her loss was reached after she had had a fair and proper opportunity to present her case on the point, being aware that it was a point which was in issue. We do not think that it is appropriate for an industrial tribunal to review their decision simply because it is said there was an error of law on its face. If the matter has been ventilated and properly argued, then errors of law of that kind fall to be corrected by this appeal tribunal.”

9. By email presented to the tribunal on 02 December 2025, the claimant applied for reconsideration of the liability judgment.
10. The application is quite difficult to follow. The application is also not assisted by it covering some 16 pages. However, Employment Judge Butler has done his best to address the material parts of it.
11. EJ Butler considers that there were several parts to the application:
 - a. **A lot of the application is the claimant disagreeing with the decision reached by the Tribunal:** Simply disagreeing with the decision reached by the Tribunal is not something that should form part of an application to reconsider. For example, the findings around Ms Rogers's meeting with the claimant, findings around the Public Interest Disclosures, findings around the Christmas party, amongst many other things. These are all reasoned findings that were findings available to the Tribunal based on the evidence before it. Matters that appear to fall into this category are not suitable for an application for reconsideration and are not taken any further in this decision.
 - b. **Document issues/Procedural Unfairness and Misrepresentation:** the claimant refers to sets of documents that he says were altered in the hearing bundle. The claimant refers to the following: the Daren Turner letter of 31 October 2023, Daren Turner letter dated 05 February 2024
 - c. **Procedural errors by the Tribunal:** the claimant alleges that the Tribunal did not critically assess the respondent's documents. This appears to be based on the lack of signatures, dates and proof of delivery.
 - d. **A Failure by the Respondent to call a material witness/disclosure issues:** The claimant appears to be suggesting that this was a procedural flaw in the hearing that would necessitate reconsidering the decision.
 - e. **Failure by the Tribunal to engage with the Claimant's evidence:** the claimant alleges that the Tribunal only engaged with the Respondent's evidence/arguments. This includes documentary evidence and oral evidence.
 - f. **The Tribunal failed to identify a constructive dismissal date.**
 - g. **Credibility Assessment was flawed, and the Tribunal stopped the claimant from demonstrating the physical impossibility of Ms Rogers's allegation.**
12. Much of the application is trying to re-run the case that has already been heard and determined. This includes the findings of facts, and legal submissions. These were not considered below. As that is a clear attempt to re-litigate the matters.

The decision on the application for reconsideration

Document issues

13. The claimant raises that two sets of documents were altered by the respondent for use in the hearing bundle.
14. The claimant has not raised this before, despite having access to all the relevant

documents. And there is no explanation why such an assertion was not raised at the final hearing itself. In short, this was something that the Claimant could have raised at the Hearing had he considered that to be important.

15. Putting that to one side. The difference between the unsigned version of the invite letter sent by Mr Turner and the signed version referred to by the claimant is that in the signed letter the date of the meeting was set as Wednesday 08 November 2024, whilst in the unsigned version it was at Monday 06 November 2024. The claimant in his application for reconsideration says that this was to align the letter with the email of 07 November 2024. However, the claimant under cross examination accepted the chronology of a meeting having taken place before the email that was sent on 07 November 2024 (p.224). So having this document in the bundle would not have changed that decision and this does not support that the decision should be varied in any way. And further, nothing turned on this document in terms of the Tribunal's analysis and conclusions reached on the legal allegations brought by the claimant.
16. The second set of documents referred to is the letter of 05 February 2024. All the letters referred to by the claimant in his application are contained in the bundle. These are pp.234-235 and 236-237. These were before the tribunal. It is difficult to follow this submission and why this supports that the decision should be reconsidered. And it is refused accordingly.
17. This ground does not support that it would be in the interests of justice to reconsider the decision.

Procedural Unfairness and Misrepresentation

18. This appears to be based on the lack of signatures, dates and proof of delivery. The tribunal spent significant time assessing the documents critically in this case, as presented in the full reasons. And again, this is not an argument relied on by the claimant at the final hearing. This does not support reconsidering the decision in question.
19. This ground does not support that it was in the interests of justice to reconsider the decision made on 10 January 2025:

The Tribunal did not critically assess the respondent's documents

20. It is difficult to understand this ground, given that the judgment assessed all the evidence before the Tribunal. This appears to be another argument that the Tribunal did not reach a finding the claimant agrees with and therefore there must be a flaw in the Tribunal's analysis.
21. This ground does not support that it would be in the interests of justice to reconsider the decision.

A Failure by the Respondent to call a material witness/disclosure issues

22. It is a matter for each party as to who to call as witnesses. This does not necessitate reconsidering the decision.
23. The Claimant did make an application for a Witness Order for Alison Sharp, which was considered and refused by Employment Judge Allen on 14 May 2025. And this was on the basis that the claimant had not demonstrated that the witness could give relevant evidence. And the Tribunal is satisfied that Ms Sharp's evidence would not have assisted the Tribunal, given her lack of involvement in the allegations being determined.

24. The Tribunal cannot identify any disclosure issues that would necessitate reconsidering this decision.

The Tribunal failed to engage with the claimant's evidence

25. The tribunal throughout its findings makes reference to the evidence presented by the claimant. This is throughout the findings of fact. There are matters where findings were not made, and that is because they were not relevant to the issues to be determined. This does not support that the decision should be reconsidered.

The Tribunal failed to identify a constructive dismissal date

26. This is incorrect. The Tribunal identified a 'dismissal date'. Before then considering a later date in the alternative. In other words, the Tribunal considered what its position would be if it was incorrect in its finding.

Credibility Assessment was flawed, and the Tribunal stopped the claimant from demonstrating the physical impossibility of Ms Rogers's allegation

27. The Tribunal interjected whilst the Claimant was cross-examining Ms Rogers, as he wanted to stand up, move to the centre of the room and engage in some kind of role play. That would not have been appropriate whilst the claimant was cross-examining a witness.

Conclusion

28. The application for reconsideration is refused. Having considered the claimant's application carefully, there is no reasonable prospect of the judgment 2025 being varied or revoked.
29. The claimant was difficult to follow. And much of it is simply the Claimant disagreeing with the decision reached. So trying to work out which parts needed to be addressed in this decision was not easy, and this made more difficult with it being over 16 pages. However, EJ Butler considers that this decision covers the matters raised adequately. For the avoidance of doubt, this decision has not been written to deal with every specific matter raised as that would be disproportionate.

Approved by:

Employment Judge **M Butler**

Date 27 January 2026

JUDGMENT SENT TO THE PARTIES ON

10 February 2026

FOR THE TRIBUNAL OFFICE

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