



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Atkinson

**Respondent:** Caterpillar UK Limited

## JUDGMENT

I refuse the claimant's application for reconsideration of the judgment of the tribunal made on 5 December 2024.

## REASONS

1. I have today had referred to me by the Tribunal administration an email from the claimant to the EAT dated 4 February 2026 together with an Order of the EAT dated 19 September 2025 and sealed on 3 October 2025.
2. My understanding of the EAT's Order is that it allowed an appeal against the decision I made on 3 April 2025 (sent to the parties on 4 April 2025). That was my decision refusing the claimant's reconsideration application dated 1 April 2025. However, the matter is somewhat confusing because, although at paragraph 2 of the EAT's Order it explicitly states that the decision set aside is my decision to refuse the reconsideration, the date of that decision is said to be 5 December 2024. I believe the reference to the 5 December 2024 decision must be an error as I understand that in these particular proceedings before the EAT, the decision under appeal was the reconsideration decision. As I understand it, there is a separate appeal still pending before the EAT against the 5 December 2024 judgment.
3. The EAT's Order, as I understand it, remits back to me the claimant's reconsideration application, to consider it anew under Rule 70.
4. I had in fact already considered the reconsideration application anew in a judgment I made on 26 June 2025, which was in response to a further application for reconsideration made by the claimant (referred to me on 19 June

2025). I provided the Tribunal administration with the judgment for promulgation on 27 June 2025 (by email and by upload to the digital case management system). I have annexed a copy of the judgment I sent for promulgation to this one.

5. It now appears to me that the Tribunal may not have sent my reconsideration judgment of 26 June 2025 to the parties. I have asked the administration to check the Tribunal's records. If the judgment was not promulgated then that is a matter of great regret. I have asked the administration to contact the parties separately about this.
6. Meanwhile I can confirm that, under Rule 70(2), I have refused the claimant's application for reconsideration of my judgment made on 5 December 2024 because I consider that there is no reasonable prospect of the judgment being revoked. My reasons are those given in the judgment I gave on 26 June 2025, a copy of which is annexed. Those reasons still stand.

Employment Judge Aspden

Date 5 February 2026