



EMPLOYMENT TRIBUNALS

Claimant: Ross May

Respondent: LGC Limited

JUDGMENT - RECONSIDERATION

1. The claimant's application for reconsideration of the decision to dismiss his claim is refused.

REASONS

Background

The claim

2. The claimant was employed by the respondent as a forensic researcher from 22 June 2006 until 6 March 2016.
3. Early conciliation started on 20 June 2024 and ended on 28 June 2024. The claim form was presented on 1 July 2024.
4. The claimant made the following complaints:
 - a) Direct disability discrimination;
 - b) Indirect disability discrimination; and
 - c) Victimisation.
5. The respondent's defence denied the allegations and applied for the claim to be struck out because that had been presented considerably out of time.
6. There was a preliminary hearing on 4 July 2025 and a date was set for an open preliminary hearing on 18 August 2025 to hear the respondent's application to strike out the claims.

The 18 August 2025 hearing

7. The hearing started at 10am with a small adjournment and a long lunch to support the claimant's ability to participate as fully as possible in the hearing.
8. I was concerned about the claimant's health and ability to participate in the hearing. Reasonable adjustments were discussed and agreed at the outset.

9. The purpose of this hearing was to decide whether the claimant's claims were presented out of time, and if so, to determine whether to extend the time limits. The claimant submitted three claims under the Equality Act 2010 so the test for whether to extend time was whether it would be "just and equitable" to do so.
10. I took time in the morning to hear from both parties (in particular from the claimant) to understand their positions regarding the time extension. I also took time during the three-hour break to carefully read the papers that had been submitted.

Application by claimant

11. My decision was delivered orally during the hearing on 18 August 2025. It was sent to the parties on 3 September 2025.
12. The claimant did not request written reasons and applied for a reconsideration on 16 September 2025, within the time limits set by Rule 69(a) of the Employment Tribunal Procedure Rules 2024 (the **ET Rules**).
13. The has claimant applied for reconsideration of my decision to refuse his application for an extension of time to allow his claim to be considered by the Tribunal.
14. The claimant's reasons for applying for the reconsideration of that decision are, (in summary) that:
 - a) I did not consider the claimant's right to a fair and equitable trial.
 - b) I was wrong to state that he could have brought his case in 2016, as he couldn't find his employment contract at that time.
 - c) The respondent lost its right to a fair and equitable trial because it lied in 2016.
 - d) Although the claimant didn't start his claim in 2023 when he found his employment contract, the merits of case had not changed between 2023 and when he started his claim in 2024.
 - e) I failed to consider the evidence or his claims that the respondent:
 - had lied/breached his contract in 2016 when it denied him PHI;
 - the breach(es) of the Equality Act 2010; and
 - had breached his human rights in respect of his working conditions and his subsequent complaints.

Relevant Law - Reconsideration

15. The Rules on reconsideration are set out in Rules 68 to 71 of the ET Rules.

Rule 68 - Principles

16. Rule 68 describes the principled approach that should be taken to such applications by tribunals:

“(1)The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.

(2) A judgment on reconsideration may be confirmed, varied or revoked.

(3) If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so, the Tribunal is not required to come to the same conclusion”

17. The requirement that tribunals should only reconsider decisions if it is “*necessary in the interests of justice to do so*” has been considered by several cases. In Ebury Partners UK Ltd v Acton Davies [2023] IRLR 486, HHJ Shanks said:

“The employment tribunal can only reconsider a decision if it is necessary to do so ‘in the interests of justice’... A central aspect of the interests of justice is that there should be finality in litigation. It is therefore unusual for a litigant to be allowed a ‘second bite of the cherry’ and the jurisdiction to reconsider should be exercised with caution. In general, while it may be appropriate to reconsider a decision where there has been some procedural mishap such that a party had been denied a fair and proper opportunity to present his case, the jurisdiction should not be invoked to correct a supposed error made by the tribunal after the parties have had a fair opportunity to present their cases on the relevant issue. This is particularly the case where the error alleged is one of law which is more appropriately corrected by the EAT”.

18. Simler P observed in Liddington v 2Gether NHS Foundation Trust EAT/0002/16 that:

“Where, as here, 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.”

19. The importance of finality was confirmed by the Court of Appeal in Ministry of Justice v Burton and anor [2016] EWCA Civ 714 in July 2016 where Elias LJ said that:

“the discretion to act in the interests of justice is not open-ended; it should be exercised in a principled way, and the earlier case law cannot be ignored. In particular, the courts have emphasised the importance of finality (Flint v Eastern Electricity Board [1975] ICR 395) which militates against the discretion [to reconsider] being exercised too readily”

Rule 69 – Application for reconsideration

20. Rule 69 sets out the conditions on which a party may make an application for reconsideration:

“Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of-

- (a) the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or*
- (b) the date that the written reasons were sent, if these were sent separately.”*

Rule 70 – Process for reconsideration

21. Rule 70 deals with the process the tribunal must follow regarding an application made under Rule 69:

“(1) The Tribunal must consider any application made under rule 69 (application for reconsideration).

(2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked... the application must be refused and the Tribunal must inform the parties of the refusal.

(3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The notice may also set out the Tribunal’s provisional views on the application...”.

22. In common with all powers under the ET Rules, preliminary consideration under rule 70(1) must be conducted in accordance with the overriding objective in Rule 3, namely, to deal with cases fairly and justly. Various appellate authorities make clear that achieving finality in litigation is part of a fair and just adjudication.

My Decision & Reasons

23. I have decided that it is not in the interests of justice to allow the claimant’s reconsideration application. My reasons for this conclusion are outlined below.

The nature of the decision

24. The claimant had submitted his claim late, just over eight years after the relevant time limit had expired. I had to determine whether it was “just and equitable” to

waive the three month time limit (the claimant's claim should have been submitted by June 2016).

25. The decision (made on 18 August 2025) was not a full decision relating to the merits of the claimant's case, but as stated during the hearing, was a decision whether (or not) to extend the three month time limit to eight years in order to allow that full case to be heard (at a 10 day hearing in 2026).
26. The 'time limit' issue didn't require a full airing of all the facts and evidence. It is a decision only looking at whether it was "just and equitable" to extend the time limits. This meant I was required to take into account all the relevant factors and ignore any irrelevant facts or issues.
27. I explained the nature of the decision at the outset of the hearing and again when giving my final judgment. I explained that the pattern of the respondent's behaviour would be considered only to the extent it impacted the question before me that day – namely whether to extend the time limits.
28. Many of the grounds put forward by the claimant in support of his reconsideration relate to the full merits and not the decision whether to extend time limits.

No error in the way the decision was made

29. The claimant has said that he disagrees with the weight I placed on his health, the significance of the delay, and the inferences drawn about steps he could have taken earlier (for example, requesting a copy of the contract, making a subject access request, or issuing tribunal proceedings sooner).
30. These are challenges to my factual findings and discretionary evaluation rather than allegations of procedural error.
31. In my oral judgment I explained my reason not to extend, the factors I had considered and the weight I had placed on them.

No procedural irregularity

32. The claimant's application does not identify a procedural irregularity at the hearing, an administrative error, or a material or significant event occurring after the hearing that would fall within the narrow post-hearing ground for reconsideration.
33. The claimant had a fair opportunity to present his submissions.

Conclusion

34. The grounds in the application amount to a challenge to the Tribunal's findings of facts, assessment of whether it was "just and equitable" to extend time or a restatement of his original claim.
35. Reconsideration is an exceptional step and is not intended to provide an opportunity to revisit the facts found in the original decision or to secure a second hearing.

36. Having considered all the points made by the claimant I am satisfied that there is no reasonable prospect of the original decision not to extend the time limits being varied or revoked.
37. The application for reconsideration is refused.

Approved by:
Employment Judge O'Neill
Date: 15 December 2025

Sent to the parties on:
Date: 14 February 2026