



EMPLOYMENT TRIBUNALS

London South Employment Tribunal

Claimant: Mojisola Paul
Respondent: United Learning Trust

Judgment on Reconsideration

Rules 68-73 of The Employment Tribunals Rules of Procedure 2024

1. The original hearings took place on 25 June 2025 and 8 August 2025. I gave judgment orally on 8 August 2025 striking out both claims. The Claimant's solicitor requested written reasons at the hearing, which I provided on 10 August 2025. The full written judgment was sent to the parties on 15 August 2025. The Claimant applied for reconsideration by email dated 28 August 2025, within the 14-day time limit under Rule 69.
2. I refuse the application, for the reasons set out below, as there is no reasonable prospect of my judgment being varied or revoked.

LEGAL FRAMEWORK

Reconsideration Rules

3. The power to reconsider judgments is governed by Rules 68-73 of the Employment Tribunal Rules of Procedure 2024. Rule 68 provides:

"A Tribunal may, either on its own initiative... or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so."

4. Rule 70(2) provides:

"A Tribunal shall not reconsider a judgment unless it considers that there is a reasonable prospect of the original decision being varied or revoked."

5. Applications must therefore satisfy two cumulative tests: they must be necessary in the interests of justice (Rule 68) and have reasonable prospects of success (Rule 70(2)).

Continuity of Approach Under 2024 Rules

6. The 2024 Rules have not altered the fundamental approach to reconsideration established under the 2013 Rules. Rule 68 uses identical language to the former Rule 70 of the 2013 Rules: "necessary in the interests of justice." The 2024 Rules have, if anything, tightened the test by adding the reasonable prospects requirement under Rule 70(2).
7. The established case law on finality of litigation and the impropriety of allowing "second bites at the cherry" applies with undiminished force. The authorities consistently demonstrate that the "interests of justice" test incorporates well-established principles

including the critical importance of finality in litigation.

Responsibility for Legal Representation

8. The fundamental principle in employment tribunal proceedings is that a party is bound by the acts and omissions of their chosen legal representative. This principle rests on agency law, the need for finality in litigation, and judicial efficiency.
9. In *Andreou v Lord Chancellor's Department* [2002] IRLR 728, the Court of Appeal held that parties must ordinarily bear responsibility for the conduct of their legal representatives. Errors or defaults by a solicitor cannot usually excuse non-compliance with tribunal rules or orders.
10. This principle was reaffirmed in *Riley v Crown Prosecution Service* [2013] EWCA Civ 951, where the Court emphasised that representational failings do not, without more, amount to an error of law requiring appellate interference.
11. In *Phipps v Priory Education Services Ltd* [2023] EWCA Civ 652, the Court of Appeal restated the general rule but recognised a narrow exception in wholly exceptional circumstances where: (i) the claimant bears no personal fault for the failures; (ii) strict application would cause manifest injustice; and (iii) the claimant has had no proper opportunity to present the substance of their case. The threshold is deliberately high and such cases will be rare.

ESTABLISHED AUTHORITIES ON RECONSIDERATION

12. In *Outsight VB Ltd v Brown* [2015] ICR 303 (EAT), the EAT confirmed at [49] that the “interests of justice” test incorporates established principles including the critical importance of finality in litigation. As HHJ Eady QC (as she then was) stated at [49]:

“the approach laid down in Ladd v Marshall will, in most cases, encapsulate that which is meant by the ‘interests of justice’”
13. The Ladd v Marshall principles require that fresh evidence: (i) could not have been obtained with reasonable diligence for the original hearing; (ii) would probably have an important influence on the result; and (iii) is apparently credible. These principles continue to inform the interests of justice test under the 2024 Rules.
14. In *Outsight* at [47], HHJ Eady addressed whether the 2013 Rules changed the position from earlier authorities, concluding that using the same “interests of justice” formulation did not alter the approach. The same reasoning applies with equal force to the 2024 Rules.
15. As Phillips J observed in *Flint v Eastern Electricity Board* [1975] ICR 395 at 404-405:

“it is very much in the interests of the general public that proceedings of this kind should be as final as possible; that it should only be in unusual cases that... [a party] is able to have a second bite at the cherry.”
16. In *Ebury Partners UK Ltd v Acton Davis* [2023] EAT 40, HHJ Shanks emphasised at [24] that finality is a central aspect of the interests of justice, that a “second bite of the cherry” is unusual, and that the reconsideration jurisdiction should be exercised with caution.

17. *Ebury Partners* further established at [24] that while reconsideration may be appropriate after a procedural mishap denying a fair opportunity to present a case, the jurisdiction should not be used to correct a supposed error by the ET where parties have already had a fair opportunity to advance their arguments.

BACKGROUND TO THE CASE

18. Mrs Mojisola Paul was employed by United Learning Trust, a multi-academy trust, as a teacher from approximately 1 September 2017 until her employment was terminated on 31 August 2024. During her employment, she raised various concerns about her treatment which she alleged amounted to discrimination and harassment on grounds of race and disability.
19. The Claimant presented her first claim on 12 April 2024 following ACAS early conciliation. Subsequently, she presented a second claim in September 2024 following her dismissal. The second claim initially contained extensive allegations dating back to 2018 and earlier, creating substantial overlap with matters that should have been included in the first claim.
20. From an early stage, the case was subject to extensive case management difficulties. Employment Judge Corrigan made case management orders in September 2024 requiring the Claimant to clarify and properly particularise her claims. Specifically, EJ Corrigan directed that the second claim should be limited to matters arising after the first claim was submitted on 12 April 2024. These orders were not satisfactorily complied with over a period of approximately eight months.
21. The persistent failure to comply with basic case management requirements, despite professional representation throughout, created a situation where fair determination of the disputes had become impossible without decisive case management intervention.

THE UNLESS ORDER AND STRIKE-OUT JUDGMENT

22. At a preliminary hearing on 25 June 2025, I identified serious ongoing problems with case management compliance that had persisted despite EJ Corrigan's previous orders from September 2024. I made specific case management orders including an Unless Order with a deadline of 4pm on 2 July 2025.
23. The Unless Order required the Claimant to: (a) redo the particulars of the second claim limiting them to matters arising after 12 April 2024; (b) remove all allegations and matters dating before 12 April 2024; and (c) correct and amend the draft list of issues providing proper legal and factual basis for each head of claim. The automatic sanction was clearly stated: if not complied with by the deadline, both claims would be struck out in their entirety without further order.
24. The deadline passed without any compliance whatsoever. Instead of complying with the Unless Order, on 6 August 2025 the Claimant's solicitor sent an email falsely claiming that I had given "permission to amend" the first claim when I had only given "permission to apply in writing to amend." This misrepresentation formed the basis for unauthorised amendments expanding the first claim from 9 pages to 38 pages without proper application or judicial permission.
25. At the resumed hearing on 8 August 2025, I conducted a comprehensive analysis of compliance with the Unless Order and considered the proportionality of strike-out under all applicable legal principles. I examined whether lesser sanctions would suffice, the impact on both parties, the history of persistent non-compliance spanning eight months,

the effect on tribunal resources, and the prejudice to the Respondents in circumstances where fair determination had become impossible. Having considered these factors fully, including the draconian nature of strike-out emphasised in authorities such as *Abegaze v Shrewsbury College* and *Bolch v Chipman*, I found that the Unless Order had not been complied with to any material extent. I struck out both claims pursuant to the Unless Order under Rule 39 and, alternatively, under Rule 38 for persistent default that made a fair trial no longer possible. On reviewing that consideration when determining this reconsideration application, I am satisfied that I applied the proportionality assessment fully and reasonably in accordance with established legal principles.

THE RECONSIDERATION APPLICATION

26. Mrs Paul applied for reconsideration by email dated 28 August 2025, within the 14-day time limit under Rule 69. The application raised four grounds: (i) that the original ET1 contained sufficient particulars to continue without amendment; (ii) that the document filed on 6 August 2025 constituted an application to amend; (iii) that I should have considered a deposit order as an alternative sanction; and (iv) that I should have considered partial strike-out rather than complete strike-out.

Fatal Procedural Breach - Non-Service on Respondents

27. During my consideration of this application, I identified that the Claimant's solicitors failed to send a copy of the reconsideration application to the Respondents, in breach of Rule 90(1) of The Employment Tribunal Procedure Rules 2024.
28. Rule 90(1) provides: "Where a party sends a communication to the Tribunal it must send a copy to all other parties, and state that it has done so (by use of 'cc' or otherwise)." This is a mandatory requirement using imperative language ("must") without discretion.
29. This breach fundamentally undermines natural justice and procedural fairness. The Respondents possess a basic right to notice of applications that could disturb the finality of judgments in their favour. Having endured 18 months of procedural difficulties before obtaining final resolution, they are entitled to oppose any attempt to reopen decided matters.
30. Non-compliance with Rule 90(1) renders the application fundamentally defective and independently fatal. This constitutes an independent ground for refusal irrespective of substantive merits.

Analysis of the Application's Deficiencies

31. The application demonstrates multiple fundamental deficiencies that underscore its complete lack of merit:
32. **Absence of Legal Authorities:** The application cites no legal authorities whatsoever. This is particularly striking for a document prepared by professional representatives challenging a strike-out judgment. Properly prepared reconsideration applications would typically cite relevant authorities on:
- a) The interests of justice test and its application
 - b) The operation of unless orders under Rule 39
 - c) The principles governing deposit orders under Rule 40
 - d) Authorities on partial strike-out and case management powers

e) The *Outasight/Ebury Partners* line of authority on reconsideration

33. **Bare Assertions Without Evidence:** The four grounds are essentially unsupported assertions lacking legal foundation:

- a) "Original ET1 contained sufficient particulars" - no legal analysis of what constitutes sufficient particulars or engagement with the 8-month compliance history
- b) "6 August document was an application to amend" - contradicts the express terms requiring formal applications and ignores the false statement about judicial permission
- c) "Deposit orders should have been considered" – no engagement with Rule 39's automatic operation confirmed in *Mohammed v Guy's & St Thomas' NHS Foundation Trust* [2023] EAT 16, which establishes that once an unless order is breached, alternative sanctions are not available at that stage
- d) "Partial strike-out should have been considered" - no authorities on when this is appropriate or acknowledgment that unless orders operate as complete units

34. **Failure to Engage with Core Requirements:** The application makes no attempt to demonstrate that reconsideration is "necessary in the interests of justice" - the fundamental requirement under Rule 68. There is no analysis of finality principles, no consideration of prejudice to other parties, and no engagement with the established authorities.

FULL AND FAIR OPPORTUNITY TO BE HEARD

35. The documented proceedings demonstrate comprehensively that both parties had extensive opportunities to make submissions and that no procedural mishap denied the Claimant a fair opportunity to present her case.

25 June 2025 Hearing

- 36. The preliminary hearing commenced and addressed the central issue of the Claimant's failure to comply with Employment Judge Corrigan's clear direction from September 2024 that the second claim should be limited to matters arising after the first claim was submitted.
- 37. Mr Alukpe made detailed submissions on behalf of the Claimant regarding the case management difficulties and the approach taken to compliance with previous orders. He was given extensive opportunities to explain the Claimant's position on the pleading deficiencies and to justify why Employment Judge Corrigan's clear directions had not been satisfactorily implemented over the preceding eight months.
- 38. During the hearing, Miss Halsall took the Tribunal through the draft list of issues, highlighting the areas requiring clarification including direct discrimination claims lacking specific dates, actors, and comparators; indirect discrimination claims with inadequately defined PCPs; disability discrimination claims with disconnected elements of unfavourable treatment; and harassment and victimisation claims lacking specificity.
- 39. Mr Alukpe was afforded ample opportunity to respond to these criticisms and to make submissions about how the case could be brought into a manageable state. The hearing included wide-ranging discussion of the fundamental case management problems that

had persisted despite professional representation throughout.

40. The hearing also considered various claims which were withdrawn by the Claimant, leading to a separate judgment under Rule 51. Extensive case management orders were made following full submissions from both representatives, including a clear Unless Order with specific requirements and automatic consequences.

8 August 2025 Hearing

41. The resumed preliminary hearing was conducted by video conference using the Cloud Video Platform. Initial technical difficulties with audio feedback were resolved by having the Claimant and her solicitor share a single connection.
42. Mr Alukpe made extensive and detailed submissions regarding his understanding of the Unless Order requirements and the approach taken to compliance. He was given comprehensive opportunities to explain and justify the methodology used in the revised list of issues, including the extensive cross-referencing approach that had been adopted.
43. During these submissions, Mr Alukpe stated that he had considerable experience in employment law and had conducted "more than a dozen" preliminary hearings. He submitted that he had never been asked by another judge to provide factual details in a list of issues beyond paragraph references. However, he acknowledged during his submissions that my Unless Order had been clear and should have been complied with regardless of his previous experience with other judges.
44. Mr Alukpe was given extensive opportunity to address the critical email of 6 August 2025 and to make submissions about the status and validity of the documents submitted, including the purported "amended ET1 grounds." He made detailed submissions attempting to characterise these documents as a proper application to amend rather than unauthorised amendments.
45. The hearing included examination of specific examples from the documentation to illustrate the compliance issues, with Mr Alukpe afforded full opportunity to respond to each point raised and to make counter-submissions. The discussion was wide-ranging and detailed, covering the technical requirements of the Unless Order, the legal framework for amendment applications, and the practical consequences of the approach taken.
46. Mr Alukpe made comprehensive submissions against strike-out under both Rule 39 and Rule 38, arguing for alternative approaches and seeking to persuade the Tribunal that compliance had been achieved or that relief from sanctions would be appropriate. These submissions were detailed and covered multiple grounds, though ultimately unconvincing.
47. The hearing was adjourned for judicial consideration before judgment was delivered, following extensive submissions from both representatives. The documented proceedings show that over 18 months across multiple hearings before two different judges, Mr Alukpe as the Claimant's professional representative had comprehensive opportunities to present detailed submissions on behalf of his client, to address case management compliance issues, and to argue against adverse consequences.
48. At both hearings, Mr Alukpe made detailed, wide-ranging submissions addressing all relevant issues. He was given more than ample opportunity to present his arguments for

the Claimant on both occasions, which he did extensively, though his submissions proved unconvincing in light of the clear evidence of persistent non-compliance with judicial directions over an extended period.

ANALYSIS OF INDIVIDUAL GROUNDS

Ground 1: "Original ET1 Could Continue Unamended"

49. This ground demonstrates a fundamental misunderstanding of the legal effect of Unless Orders under Rule 39. Unless Orders operate automatically upon breach regardless of whether the underlying requirement was strictly necessary. Rule 39 provides that where an unless order specifies automatic dismissal for non-compliance, the sanction takes effect without further order when the deadline passes. In *Mohammed v Guy's & St Thomas' NHS Foundation Trust* [2023] EAT 16, the EAT confirmed that an unless order is self-executing: once breached, the sanction takes effect automatically under Rule 39.
50. The Unless Order was made because of persistent non-compliance with EJ Corrigan's September 2024 directions over eight months, not because of any theoretical inadequacy in the original pleadings. If the pleadings were adequate, the persistent inability to comply with basic case management directions over eight months would require explanation. The evidence demonstrates systematic problems affecting the entire structure of both proceedings.
51. The Unless Order deadline of 2 July 2025 passed without any compliance whatsoever. The automatic strike-out therefore took effect on 3 July 2025 under Rule 39. Whether the original claims were theoretically sufficient became legally irrelevant once the Unless Order was breached.
52. Accepting this argument would render Unless Orders ineffective, as parties could retrospectively argue that compliance was unnecessary. This would contradict the "weapon of last resort" principle and undermine the case management framework established to ensure effective tribunal administration.
53. Even if the original pleadings were theoretically adequate (which the 8-month compliance history contradicts), this cannot provide reasonable prospects of varying a judgment mandated by Rule 39 following total non-compliance.

Ground 2: "Amended Claim Was Application to Amend"

54. The distinction between an application to amend and an actual amendment is fundamental. The objective test requires the Tribunal to consider how a reasonable recipient would have understood the communication, looking at its title, content, and the context in which it was sent.
55. The email of 6 August 2025 stated "please find attached amended ET1 grounds of the claimant's first claim" and claimed "The claimant was granted permission to amend her first claim." This language unambiguously presented completed amendments, not an application for permission. The objective construction of the document cannot be reconciled with the application's assertion.
56. The entire submission was based on a false statement that I had "granted permission to amend" when I had only given "permission to apply in writing to amend." This misrepresentation cannot be cured by retrospective recharacterisation. Such recharacterisation would permit parties to circumvent Rule 29 by filing unauthorised amendments accompanied by false statements about judicial permission, then

retrospectively claiming they were applications.

57. By 6 August 2025, both claims had been automatically struck out for over a month (since 3 July 2025). Applications to amend can only be made in respect of live proceedings. Even if this were construed as an application (which the evidence does not support), it did not address the Unless Order requirements that needed to be met by 2 July 2025.
58. No reasonable tribunal could construe a document titled "amended ET1 grounds" claiming "permission to amend" had been granted as anything other than completed amendments, particularly when accompanied by false statements about judicial permission.

Ground 3: "Deposit Order Alternative"

59. Unless Orders operate automatically when deadlines pass without compliance under Rule 39. In *Mohammed v Guy's & St Thomas' NHS Foundation Trust* [2023] EAT 16, the EAT confirmed that an unless order is self-executing: once breached, the sanction takes effect automatically under Rule 39.
60. Deposit orders under Rule 40 are available where specific allegations or arguments have "little reasonable prospect of success." However, they operate as forward-looking case management tools in live proceedings designed to address substantive weakness in claims. The Unless Order addressed persistent procedural default spanning eight months from EJ Corrigan's September 2024 directions. A deposit order could not have addressed the fundamental inability to comply with basic case management requirements that had characterised these proceedings.
61. The Unless Order was itself an alternative to immediate strike-out. I had identified serious ongoing problems at the 25 June hearing but gave a final opportunity for compliance rather than striking out immediately under Rule 38. This opportunity was not taken, and the automatic consequences followed under Rule 39.
62. The specific Unless Order requirements were designed to make the claims manageable for determination. Without compliance, no meaningful case management was possible regardless of substantive merit. The principle in *Outasight* establishes that the interests of justice require consideration of "the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation."
63. The *Mohammed* principle that unless orders are self-executing makes alternative sanctions legally impossible once breach occurs. This ground seeks relief that is legally unavailable.

Ground 4: "Partial Strike-Out Option"

64. Unless Orders must be construed according to their express terms under Rule 39. The automatic operation of Rule 39 means that compliance is assessed objectively against the specific requirements set out in the order.
65. The Unless Order required comprehensive compliance with three specific requirements by 2 July 2025. It was not divisible and contained no provision for partial compliance. The Claimant either complied entirely or failed entirely. The breach was total (no compliance by the deadline) and the consequences were therefore total under Rule 39.
66. The assertion that "some aspects were sufficiently clear" is not supported by the procedural history. The fundamental problems identified were systemic: the second claim

contained pre-April 2024 allegations in breach of EJ Corrigan's direction, and the list of issues lacked proper legal and factual basis across all claims.

67. The Unless Order requirements were interconnected. The second claim needed to be limited to post-April 2024 matters, which would affect the list of issues, which in turn would clarify what remained for determination. These were not separable defects but systemic problems requiring comprehensive resolution.
68. Even without the Unless Order, I found independent grounds for complete strike-out under Rule 38 based on persistent default making a fair trial impossible. The eight-month history of non-compliance demonstrated systematic disregard for tribunal process that affected the entirety of both proceedings.
69. Where an unless order requires comprehensive compliance by a deadline and no compliance occurs, partial alternatives are not legally available. The fundamental problems were systemic, not isolated.

COMPREHENSIVE ANALYSIS

The "Second Bite at Cherry" Problem

70. This application exemplifies the "second bite at the cherry" condemned in the authorities. In *Outasight* at [54], the EAT refused reconsideration where a party sought to re-argue matters after an adverse judgment, observing that dissatisfaction with how a case was presented does not justify reopening final decisions.
71. Here, the Claimant seeks to re-argue points that were available at the original hearings but were either not advanced or advanced unsuccessfully. The four grounds raised - sufficiency of pleadings, nature of amendment applications, deposit orders, and partial strike-out - were all matters within the knowledge and competence of professional representatives at the time.
72. The application contains no suggestion that these arguments were unavailable at the original hearings, no claim of procedural ambush, and no assertion that circumstances prevented their advancement. This is precisely the situation where, as *Ebury Partners* confirms at paragraph [26], professional representatives must put forward relevant arguments and cannot later claim that well-established legal principles were beyond their contemplation.

Professional Representation and Agency

73. The significance of professional representation throughout cannot be understated. The Claimant was represented by Mr Alukpe, who claimed substantial employment law experience and familiarity with tribunal procedures.
74. The Claimant's solicitor acted as her agent, and she is bound by his acts and omissions in conducting these proceedings. Any failings in prosecuting her case are matters for which she bears responsibility under the principle established in *Andreou v Lord Chancellor's Department*. The adequacy of her representation is a matter between the Claimant and her solicitor, not for this Tribunal or the Respondents.
75. Professional representation carries heightened obligations. The systematic nature of the procedural failures over 18 months, combined with professional representation throughout, demonstrates that this is not a case of innocent error or understandable oversight, but rather a pattern of disregard for tribunal procedures that professional

representation should have prevented.

76. The exceptional circumstances recognised in *Phipps v Priory Education Services Ltd* do not arise here. The Claimant cannot claim she bears no personal fault when she chose her professional representative and was bound by his conduct throughout. Crucially, she has personally attended hearings where she witnessed judicial criticism of how the case was being managed and progressed, heard extensive judicial guidance on compliance requirements, and observed judicial displeasure at the persistent failures. Despite this direct exposure to the tribunal's concerns about her professional representation, she apparently did little or nothing to press for better case management or to ensure compliance with clear judicial directions. She allowed those professionally representing her to continue in the same fashion that had repeatedly attracted judicial criticism. She has had full opportunity to present her case through her chosen agent over 18 months of proceedings across multiple hearings with extensive judicial guidance and opportunities for compliance.

Interests of Justice Analysis

77. The interests of justice require consideration of all relevant factors, not merely the immediate interests of the unsuccessful applicant. The principles established in *Outsight* emphasise that finality in litigation is a central aspect of the interests of justice.
78. The procedural history demonstrates that the Claimant had multiple opportunities over eight months to comply with clear case management directions through her professional representative. There has been no procedural mishap denying the Claimant a fair opportunity to present her case. The extensive documented proceedings confirm that comprehensive opportunities were provided for submissions and clarification.
79. The false statement made to the Tribunal on 6 August 2025 represents a serious breach of professional standards that goes beyond mere procedural error. The application does not acknowledge this misconduct or explain how it could be consistent with the interests of justice to overlook such behaviour.
80. The failure to serve the reconsideration application on the Respondents demonstrates continued systematic disregard for tribunal procedures. This breach further demonstrates the pattern of procedural default that has characterised these proceedings and denies the Respondents their fundamental right to respond to applications affecting their interests.

Public Interest Considerations

81. The public interest in finality of litigation is particularly acute in this case. The proceedings have consumed substantial tribunal resources over 18 months across multiple hearings before two different judges. Case management orders have been repeatedly ignored despite professional representation throughout.
82. Granting reconsideration would signal that unless orders can be circumvented through retrospective challenge, undermining their effectiveness as case management tools. It would encourage parties to ignore compliance deadlines in the expectation that reconsideration might be available if consequences prove unpalatable.
83. The Respondents have endured over 18 months of procedural default and have a legitimate interest in finality. They have been denied their fundamental right to respond to this application through the failure to serve copies upon them. The broader public interest requires confidence in tribunal procedures and finality of decisions.

84. The efficient administration of justice requires that decided cases remain decided unless exceptional circumstances genuinely warrant reconsideration. The systematic disregard for tribunal procedures demonstrated in these proceedings, culminating in false statements to the Tribunal and failure to serve mandatory documents on opposing parties, represents the antithesis of exceptional circumstances warranting further indulgence.

Application of Rule 70(2) - No Reasonable Prospects

85. Each ground advanced contradicts binding legal authority and does not address the undisputed procedural history. The Unless Order operated automatically under Rule 39 when the deadline passed without compliance. Alternative sanctions were not available once the breach occurred.
86. No new evidence has been presented that was not available at the time of the original hearing. No change in legal circumstances has occurred. The application simply disagrees with the consequences of clear procedural failures and seeks to avoid those consequences through retrospective challenge.
87. The judgment was both legally mandated under Rule 39 and factually inevitable given the history of persistent default. The application demonstrates no arguable basis for disturbing this conclusion and amounts to an impermissible attempt to relitigate matters that were already fully and fairly determined.

CONCLUSION

88. I have carefully considered the application against the statutory criteria in Rules 68 and 70(2). The application fails both tests comprehensively and clearly fails to meet the required standard.
89. **Rule 68 - Interests of Justice:** The interests of justice do not require reconsideration. The judgment was the inevitable consequence of persistent procedural default over eight months, culminating in total failure to comply with a clear Unless Order. The Claimant had multiple opportunities to comply through her professional representative and suffered no procedural mishap denying a fair opportunity to present her case.
90. **Rule 70(2) - Reasonable Prospects:** There are no reasonable prospects of the judgment being varied or revoked. Each ground contradicts binding legal authority and ignores the undisputed factual history. The Unless Order operated automatically under Rule 39, and no discretion remained once breach occurred.
91. **Agency and Responsibility:** The proper administration of justice, and the overriding objective under Rule 3, require that parties accept responsibility for their chosen representatives' conduct. The Claimant is bound by her solicitor's acts and omissions. Any failings in prosecution of her case are not the fault or responsibility of this Tribunal or the Respondents and are not to be visited upon them.
92. **Procedural Breaches:** The serious breach of professional standards in the false statement of 6 August 2025, combined with the failure to serve this application on the Respondents, demonstrates continued systematic disregard for tribunal procedures that further undermines any claim to exceptional treatment.
93. **Finality:** This represents an impermissible attempt to obtain a "second bite at the cherry" by relitigating matters that were fairly determined after full consideration. The authorities

consistently reject such attempts to maintain finality in litigation and preserve the integrity of the tribunal system.

94. For these reasons, applying the statutory criteria rigorously and having regard to all relevant considerations including the overriding objective, I refuse the application for reconsideration. The judgment of 8 August 2025 stands as both legally sound and factually inevitable.

APPROVED
Judge M Aspinall (as an Employment Judge)
31st August 2025

Sent to the parties on
10th September 2025
O.Miranda

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