



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Stephen McNicholas

**Respondent:** Camerons Stiff Limited

## JUDGMENT

The claimant's application dated **5 December 2025** for reconsideration of the judgment dated **5 December 2025** is refused.

## REASONS

### Decision

1. There is no reasonable prospect of the original decision being varied or revoked, for the following reasons.

### Background

2. At a public preliminary hearing on 5 December 2025 the claimant's application to extend time in relation to his complaints of unlawful deductions from wages; wrongful dismissal; whistleblowing detriment; and victimisation was refused; those complaints were accordingly dismissed for want of jurisdiction.
3. Before the Case Management Orders and Judgment had been sent to the parties, on 5 December 2025 the claimant sent to the Tribunal four documents, being an "application for reconsideration" ("**the Application**"); a covering email; a document; and then, on 7 December 2025 a "follow up" document.
4. The Application stated that the claimant applied "for reconsideration of the Case Management Order dated **5 December 2025**, specifically the finding that my amendment application(s) were "out of time". The Application asserted that this finding was based on a material mistake of fact and had caused serious procedural unfairness; that the Tribunal had incorrectly recorded the date of his amendment application; that the respondent had omitted key correspondence and thereby misled the Tribunal; that his amendment [application] had been made in time and must be considered; that a screenshot of the Tribunal portal showed that his amendment application had been marked "PENDING", such that the decision was based on incomplete information; that he relied on the Tribunal to process his application and had done everything correctly; that the Bundle for the preliminary hearing was incomplete, and that this gave rise to a failure to consider relevant evidence; and that the "error" had had a "catastrophic impact", which amounted to

serious prejudice.

5. The Application also referred to various cases by name, without any case citation. I was able to locate **Kwamin v Abbey National Plc [2004] ICR 841**, which addressed the issue of delay in giving judgments; that case was authority for the proposition that a party seeking to impugn a judgment affected by delay would need to show a material error or omission or a series of such errors or omissions; material errors or omissions being those which showed a real risk that there had been a failure of recollection. It is not authority for the proposition that reconsideration must be granted where a material error of fact occurs.
6. The Application referred to “**Gemalto**”. I was able to locate one employment-related case, **King v Gemalto UK Ltd [2022] EAT 29**, in which the Employment Appeal Tribunal held that it had been open to the Employment Tribunal to dismiss an unfair dismissal claim on the basis that it had been presented outside the time limit where it had been reasonably practicable for the claimant to submit his claim in time. That decision is not (contrary to the claimant’s assertion) authority for the proposition that “[a] litigant in person should be prejudiced by Tribunal error” (although I would accept the proposition in any case).
7. The Application also referred to the following cases, which I tried to locate using a legal database, without success, despite trying variant spellings. In particular, I was not able to locate:
  - a. **Jobsin Co UK v Labor Force**.
  - b. **West Midlands Police v Delezuch**
  - c. **Carter v Creditfix**
  - d. **Banks v Aegis**
8. I am not persuaded that these cases exist. The Application gave the appearance of having been generated with the assistance of AI. I take the opportunity to encourage the parties to treat such assistance with considerable caution, and to check that any material produced with such assistance is accurate. In particular, I strongly encourage the claimant to ensure that cases referred to are genuine (and that full case citations are provided in any event).
9. The Application attached screenshots of the Tribunal website showing various applications (including in particular one dated 4 February 2025) marked as “In Progress”), and one application described as “Amend my claim” dated 11 December 2024 also marked as “In Progress”.
10. Although the Application was described as an application “for reconsideration of the Case Management Order dated 5 December 2025 . . .” I considered that it would be appropriate to treat the Application as an application for reconsideration of the Judgment dated 5 December 2025 (i.e. dismissing the complaints mentioned above for want of jurisdiction).

## Law

11. The Employment Tribunal Procedure Rules 2024/1155 state insofar as is material:

### **2.— Interpretation**

(1) In these Rules—

[. . .]

*“case management order”* means an order or decision of any kind in relation to the conduct of proceedings, not including the determination of any issue which would be the subject of a judgment;

[. . .]

*“judgment”* means a decision made at any stage of the proceedings (other than a

decision under rule 14 (reconsideration of rejection of claim) or 20 (reconsideration of rejection of response)), which finally determines—

- (a) a claim, or part of a claim, as regards liability, remedy or costs (including preparation time and wasted costs);
- (b) any issue which is capable of finally disposing of any claim, or part of a claim, even if it does not necessarily do so (for example, an issue whether a claim should be struck out or a jurisdictional issue);

[. . .]

#### **68.— Principles**

- (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 under 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.

#### **70.— Process for reconsideration**

- (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 (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.
- [. . .]

- 12. Guidance on how to approach reconsideration applications was given in **TW White and Sons Ltd v White UKEAT/0023/21/VP**. The first question is whether there is “no reasonable prospect of the original decision being varied or revoked”, in which case the application is to be dismissed.
- 13. A central aspect of the interests of justice is finality in litigation: **Ebury Partners Ltd v Acton Davis [2023] EAT 40**. Reconsideration should not be used to correct a supposed error made by the Tribunal after the parties have had a fair and proper opportunity to put their case.
- 14. Where a party seeks to rely on new evidence, they must show that the new evidence could not have been obtained with reasonable diligence for use at the original hearing; was relevant and would probably have had an important influence on the hearing; and was apparently credible: **Ladd v Marshall [1954] 1 WLR 1489**.

#### **Discussion**

- 15. On 16 July 2025 EJ French presided over a Case Management Preliminary Hearing. In the Case Summary section of the Record of Preliminary Hearing sent to the parties on 28 July 2025 EJ French recorded (paragraphs 24 – 33) that the claimant had submitted an amendment application dated 11 December 2024; that there was a further amendment application dated 4 July 2025; that the claimant had confirmed in the hearing that he did not pursue the amendment application dated 11 December 2024; and that (in terms) the claimant sought to bring claims of wrongful dismissal; unauthorised deduction from wages; victimisation; and whistleblowing detriment, all of which were “new causes of action which were presented by way of the amendment application on 4 July 2025. As such the complaints on the face of it have been brought out of time . . .”
- 16. EJ French granted that amendment application subject to the issue of time limits being determined at a subsequent public preliminary hearing.

17. Written reasons were produced by EJ French in relation to the decision on the amendment application and were sent to the parties on 24 September 2025. I had sight of those reasons in the hearing. Those reasons explained again that the claimant had submitted an amendment application dated 11 December 2024; that there was a further amendment application dated 4 July 2025; that there was a further undated amendment application before EJ French which the claimant said had been submitted in the last few days [i.e before the hearing on 16 July 2025]. It was clear that the claimant in making his application relied on the document which EJ French considered to have been dated 4 July 2025.
18. At paragraph 20 of those reasons EJ French recorded that “the primary application to amend [was] made on 4 July 2025 . . .” and then at paragraph 21 “I consider therefore that the Tribunal will treat those complaints as having been made on 4 July 2025 and granted on 16 July 2025 . . .”
19. In the hearing on 5 December 2025 I considered, amongst other documents, a statement from the claimant in which he stated:
- “As a litigant in person, I was not aware of the strict requirement to present all additional complaints within a specific statutory time limit . . . **Once I became aware of this requirement, I acted promptly by applying to amend in July 2025**
- [. . .]
- . . . Once I was clearer about the facts and their legal basis, I acted promptly by applying to amend my claim in July 2025.”**
- (emphases added)
20. I also had sight of the email sent by the claimant dated 4 July 2025 in which he applied to amend his claim to include wrongful dismissal; unlawful deduction from wages; victimisation; and “breach of implied term of trust and confidence”.
21. It is clear that the claimant is seeking to have a second bite of the cherry – that is, simply to re-argue a decision which went against him. The screenshots are new evidence. They could have been obtained with reasonable diligence for use at the original hearing. They are arguably relevant. They would not have had an important influence on the hearing, or indeed any significant influence: I have carefully considered the document which the claimant says was submitted on 4 February 2025, and titled “Formal Response to the Respondents Statement.” That document is clearly not (contrary to the claimant’s manuscript assertion, added to the document in support of the application) an “[a]pplication to amend”. In any event that document was reproduced almost verbatim (save for a change to the final paragraph) in the Bundle available to the Tribunal (and the parties) on 5 December 2025; had the claimant wished to argue that the document amounted to an amendment application, he could have done so. He did not do so. Applying **Ladd v Marshall** it would not be appropriate to receive this new evidence on reconsideration.
22. In any event, the relevant date for the purposes of calculating time limits had been determined by EJ French on 16 July 2025. It would not be open to me to depart from this finding. The claimant has not challenged that decision.
23. Further, the claimant himself had asserted (in the hearing of 5 December 2025) that his application to amend was made in July 2025.
24. Bearing in mind the public interest in finality in litigation; that the claimant had a fair and proper opportunity to put his case, and to adduce evidence; that the claimant

himself asserted that the application to amend was made in July 2025; that EJ French had determined that the relevant claims were “new causes of action . . . presented by way of the amendment application on 4 July 2025”; and that the purported amendment application of 4 February 2025 was not, on its face, an amendment application, I conclude that there is no reasonable prospect of the original decision being varied or revoked and I therefore refuse the application.

**Date: 6 January 2026**

**Approved by**

**Employment Judge E Macdonald**

JUDGMENT SENT TO THE PARTIES ON  
23 February 2026

FOR THE TRIBUNAL OFFICE