



EMPLOYMENT TRIBUNALS

Claimant: Aaron Mediratta
Respondent: DHL Supply Chain Ltd

JUDGMENT

The claimant's application dated 20 March 2026 for reconsideration of the judgment sent to the parties on 10 March 2026 is refused.

REASONS

1. This is the preliminary consideration of the claimant's application for reconsideration of the judgment sent to the parties on 23 February 2026. That judgment determined that the claimant's complaint of constructive unfair dismissal was not well-founded and so was dismissed.
2. The claimant's application was made by means of a letter attached to an email dated 20 March 2026.
3. Such an application falls to be considered under Rules 68 to 70. Rule 69 provides that an application for reconsideration must be made within 14 days of the date on which the written record (or, if later, the written reasons) were sent to the parties. Here, the claimant's application was received within the relevant time limit.
4. By rule 68, the Tribunal may reconsider any judgment where it is necessary in the interests of justice to do so and, if it decides to do so, may vary, revoke or confirm the original decision. There is single threshold for making an application. That is that reconsideration is necessary in the interests of justice. There must therefore be something about the nature of how the decision was reached, either substantively or procedurally, from which the interests of justice would be offended if the original decision was allowed to stand.
5. By rule 70 I am to give an initial consideration to the prospects of the application determining whether it is necessary to seek the views of the respondent and whether the matter can be dealt with on paper or at a further hearing before the same tribunal. Where the application can be said to carry no reasonable prospects of being varied or revoked, the rules dictate that I shall refuse the application without being required to consider the matter further.

6. Rule 70 gives the Tribunal a broad discretion to determine whether reconsideration of a decision is appropriate. Guidance for Tribunals on how to approach applications for reconsideration was given by Simler P in the case of **Liddington v 2Gether NHS Foundation Trust UKEAT/0002/16/DA**. Paragraphs 34 and 35 provide as follows:

“34. [...] 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.

35. 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.”

7. The application for reconsideration is somewhat confusing to follow but appears to have effectively been made on the following basis:

“6. Respectfully, that approach appears not to have considered the following:
- The Tribunal’s assessment appears to rely on a finding that the first formal mention/request for compassionate leave occurred on 15th August.
- However, the Respondent’s own witness evidence confirms that management had already declined “compassionate” leave on / prior to the 5th August.
- Given the Respondent themselves has claimed that no such request/mention of compassionate leave was made until the 15th August, the evidence is a factual contradiction to the events.
- Additionally, as Mr. Brown identified, this rejection was by GM Lee Dodd whom Ms Williams states the matter was to be “escalated” to. This is especially important given the only prior meeting was on 27 June resulting in the provision of a sabbatical. There is no evidence before the Tribunal of any request or discussion of compassionate leave between that date and 5 August.”

8. The claimant’s application is made on the basis that the Tribunal found that the claimant’s firms formal request or mention of compassionate leave was not until 15 August 2024. However, that is not what the Tribunal found in respect of his matter. The Tribunal delivered oral reasons to the parties and in terms of findings of fact, found that on 15 August 2024 the claimant emailed Francesca Williams at 10.01 am and that email was the first time he had made sufficiently clear to the respondent that he sought or was seeking *bereavement* leave in respect of the death of his grandfather. That finding therefore related to bereavement leave and not compassionate leave. The claimant’s application is therefore based on a misunderstanding of the Tribunal’s reasoning.
9. Taking that into account and having carefully considered the claimant’s application and, bearing in mind the importance of finality in litigation and the interests of both parties, I am not satisfied that there is any reasonable prospect of the judgment being varied or revoked. The application for reconsideration is therefore refused.

Approved by:

Employment Judge McTigue

Date: 20 March 2026

Sent to the parties on

...31 March 2026.....

For the Employment Tribunal

.....