EMPLOYMENT TRIBUNALS

Claimant: Mr N Wanklin

Respondent: Computeam Limited

JUDGMENT

The claimant's application dated 16 February 2026 for reconsideration of the dismissal judgment of 12 December 2025 and sent to the parties on 12 February 2026, is refused.

As per Rule 70(2) of the Employment Tribunal Rules of Procedure 2024, the application is refused because there is no reasonable prospect of the original decision being varied or revoked.

The case remains dismissed by reason of the judgment dated 12 December 2025.

REASONS

1. The claimant applied for reconsideration of the dismissal judgment on 16 February 2026. As set out in Rule 70(1) of the Employment Tribunal Rules of Procedure 2024 ("the ET Rules"), the Tribunal must consider any application made for reconsideration. As set out in Rule 70(2), if the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked, the application must be refused.

2. The claimant's application for reconsideration is that he had medical evidence to show that he had diagnoses of ADHD, anxiety and "*related conditions affecting my executive functioning, decision-making and ability to manage complex procedural matters"* and that these "*affected my ability to properly understand the consequences of withdrawing my claim at the time and to manage subsequent procedural steps*." The claimant challenges the Tribunal's conclusion that there was no medical evidence to show that he was mentally impaired such that he could not make rational decisions at the time.

3. There is a public policy principle that there should be finality in litigation. Reconsiderations are exceptions to the rule that employment tribunal decisions should not be reopened and relitigated. It is not a way in which a disappointed party can simply have a second attempt at success. In *Stevenson v Golden Wonder Ltd 1977 IRLR 474, EAT*, reconsideration is

'*not intended to provide parties with the opportunity of a rehearing at which the same evidence can be rehearsed with different emphasis, or further evidence adduced which was available before'*.

4. Under rule 68 of the Employment Tribunal Procedure Rules 2024, a judgment will only be reconsidered where it is '*necessary in the interests of justice to do so'*. This does not mean that in every case where a litigant is unsuccessful, they are automatically entitled to a reconsideration. A tribunal must consider the overriding objective to deal with cases '*fairly and justly'* (rule 3) in the interests of both parties.

5. Reconsideration of a judgment may be necessary in the interests of justice if there is new evidence that was not available to the tribunal at the time it made its judgment. In order to justify the introduction of fresh evidence, it is necessary to show:
    a. that the evidence could not have been obtained with reasonable diligence for use at the original hearing
    b. that the evidence is relevant and would probably have had an important influence on the hearing; and
    c. that the evidence is apparently credible (*Ladd v Marshall 1954 3 All ER 745, CA*).

6. Withdrawal of claims is dealt with in the Employment Tribunal Procedure Rules 2024, Rule 50, which states that once a party informs the Tribunal that their claim is withdrawn, it comes to an end. The claim is usually then dismissed by the Tribunal, meaning that a claimant cannot start a further claim against the respondent raising the same, or substantially the same, complaint.

7. However, the Tribunal may choose not to dismiss the claim if either of the exceptions in Rule 51 apply, which are:

    "(a) the party advancing the claim has expressed at the time of withdrawal a wish to reserve the right to bring such a further claim and the Tribunal is satisfied that there would be legitimate reason for doing so, or

    (b) the Tribunal believes that to issue such a judgment would not be in the interests of justice."

8. The claimant's application relates to his "*ability to properly understand the consequences of withdrawing my claim at the time*". As was explained to him during the hearing on 19 November 2025, a withdrawn claim cannot be revived. Therefore, the withdrawal of the claim is not something that the Tribunal can overturn and this was explained to the claimant during the hearing. This includes any action that the Tribunal may take on a reconsideration.

9. In the case of *Kaur v Birmingham City Council 2025 EAT 190*, a Tribunal noted that it was common for claimants to withdraw claims because of poor mental health and this alone did not take dismissal of the claim outside the interests of justice.

10. In the claimant's case, the medical evidence provided to the Tribunal after the

last hearing was a set of GP's notes, as described at paragraph 22 of the dismissal judgment. The notes were incomplete, out of order and difficult to follow. It was concluded in the dismissal judgment that the claimant had not yet been diagnosed with ADHD by 21 November 2025. The claimant has clarified in his reconsideration application that he had been diagnosed with ADHD at this point. I accept that a different reading of the GP's notes could allow for the conclusion that the claimant had been diagnosed with ADHD by 21 November 2025.

11. I also note that the GP notes describe the claimant as being "*forgetful of daily activities*", "*seems to act without thinking*", and "*has difficulty completing tasks which are tedious or time consuming*." This information was before the Tribunal before the dismissal judgment was made and was taken into consideration previously.

12. There were three clear emails from the claimant in which he unequivocally confirmed that he was withdrawing his claim, as set out in paragraphs 4-8 of the dismissal judgment. These emails were sent as part of a series of exchanges between him, the Tribunal administration and the respondent. Both the Tribunal administration and the respondent sought to explain and clarify the position with the claimant and each time he replied, he confirmed that he wished to withdraw his claim and/or was already pursuing a claim in the County Court.

13. Even if I accept that the claimant is prone to act without thinking and impulsively, he was given several opportunities to correct this over the course of the period between 24 January 2024 and 4 February 2024 and he did not.

14. In the *Kaur* case, the tribunal did not make a mistake by failing to consider whether the claimant had been reasonably ignorant of the potential implications of a dismissal upon withdrawal. Here, I do not accept that it is in the interests of justice to revoke the dismissal judgment because the claimant now says he did not "*properly understand the consequences of withdrawing my claim at the time*".

15. The withdrawal was confirmed by EJ Ross on 5 February 2025. The hearing to determine whether the claim should be dismissed on withdrawal took place on 19 November 2025. The claimant could have pursued a claim in the County Court at any time during the period between February and November 2025 – indeed he had said that his claim was already before the County Court when asked by the respondent. He clearly understood that the alternative forum for his claims was the County Court. He raised the issue of litigation in that jurisdiction. He was not confused about where to go to carry on with his claim. Even if he subsequently regretted withdrawing from the Employment Tribunal, EJ Ross had left open the pathway of litigation in the County Court, and the claimant did not take it. Indeed, there has never been a claim issued in the County Court against the respondent.

16. The Tribunal is bound by the claimant's withdrawal of his claims in January 2025. This is the case even if he had ADHD and anxiety at the time and even if he did not properly understand the consequences of withdrawing his ET claim at the time.

17. The question for the hearing on 19 November 2025 was whether it was not "in the interests of justice" to dismiss the claim (rule 51(b)) or would there be a legitimate reason for the claimant to bring a further claim against the respondent raising the same, or substantially the same, complaint (Rule 51(a)).

18. As discussed in the dismissal judgment, the claimant has not been able to explain what rights he has against the respondent in the County Court or what terms of his contract or matters of custom and practice the respondent is in breach of, as was discussed in paragraphs 18, 19 and 26 of the dismissal judgment. The reconsideration application does not provide any further clarification of what the claimant believes his rights are as against the respondent. It is therefore not contrary to the interests of justice to dismiss the claim (rule 51(b)), as the matters involved in any further proceedings appear to have little or no prospect of success.

19. Furthermore, the reconsideration application does not change the fact that there does not appear to be any legitimate reason for the claimant to bring a further claim against the respondent in the County Court raising the same, or substantially the same, complaint as was before the Tribunal, as per rule 51(a).

20. There is therefore no reasonable prospect of the dismissal judgment being varied or revoked and the claimant's application for reconsideration is refused.

Approved by Employment Judge Barker

5 March 2026

JUDGMENT SENT TO THE PARTIES ON

22 April 2026

FOR THE TRIBUNAL OFFICE