



EMPLOYMENT TRIBUNALS

Claimant: Miss. E. Gresley
Respondent: SRCL Limited
Considered at: London South
On: 20th April 2026
By: Employment Judge Sudra

JUDGMENT on RECONSIDERATION

The Claimant's application for reconsideration of the Reserved Judgment in this matter promulgated on 26th March 2026 is **REFUSED** and the decision in that Judgment is confirmed.

Application

1. The Respondent applied, under Rule 69 of the Employment Tribunal Procedure Rules 2024, for reconsideration of the Tribunal's decision.
2. The Claimant, on 8th April 2026, has applied for a reconsideration of the Judgment as she says:

'The Claimant applies for reconsideration of the Tribunal's judgment on the basis that the Tribunal made material errors of fact, failed to properly apply Section 15 of the Equality Act 2010, and reached conclusions inconsistent with the evidence before it.

These errors relate to the Tribunal's assessment of causation between disability and conduct, its reliance on unsupported inferences regarding functioning, and its failure to properly engage with contemporaneous and medical evidence.

These errors were material and directly affected the outcome.'

3. The Claimant's reconsideration application was five pages in length and appears to be generated by artificial intelligence ('AI') software. That in itself is not an issue but the Tribunal has remained alert to the pitfalls and errors that can occur when a party uses AI to create legal documents.

REASONS

Discussion of the Grounds in this Application

4. The Claimant's reconsideration application identifies three substantive areas upon which reconsideration is sought. These 'areas' are then broken into discrete numbered grounds as follows.

'the Tribunal made material errors of fact'

5. A significant aspect of the Claimant's grounds were focussed on a dispute as to the facts the Tribunal found after considering the evidence and submissions. The First Instance Tribunal is best placed to make findings of fact as they are reached after assessing the credibility of witnesses and having scrutinised the oral and documentary evidence.

6. The Claimant makes many generalised points which all appear to be stating *‘the judgment was contrary to the evidence’*, or *‘there was no evidence to support the judgment.’* It is not uncommon for a party to disagree with a finding of fact but that is not a legitimate ground for seeking reconsideration. If perversity is alleged the Claimant’s proper route is by way of an appeal to the Employment Appeal Tribunal (‘EAT’) but the Claimant may wish to consider the Judgment of Mummery J (as he then was) in Stewart v. Cleveland Guest (Engineering) Ltd [1996] ICR 535.

‘failed to properly apply Section 15 of the Equality Act 2010’

7. In her application the Claimant states:

‘The Tribunal focused on whether the Claimant could function in some circumstances, rather than whether the conduct arose in consequence of disability.

The correct analysis required consideration of the causal chain:

Disability (ADHD, autism)
→ Executive dysfunction and sleep disruption
→ Difficulty initiating tasks and maintaining routine
→ Lateness
→ Disciplinary action

This chain was not properly analysed.

The Tribunal’s approach is inconsistent with established authority including *City of York Council v Grosset*, *Pnaiser v NHS England*, and *J v DLA Piper UK LLP*. Disability does not need to be the sole cause, only a material influence. The Tribunal failed to consider whether the Claimant’s disability remained a material cause of her lateness, even if other factors were present.

This error was material because it led to rejection of the Section 15 claim.’

8. The Claimant has ignored the findings of the Tribunal and simply asserted what *she* thinks the tribunal considered. The applicable law was cited in the judgment and it was explained that when it was applied to the facts found, why the Claimant’s s.15 EqA complaint was not made out.
9. The Claimant has a different interpretation of the operation and application of s.15 EqA and if she believes there was an error of law, this is not a matter for reconsideration but for the EAT to determine.

'reached conclusions inconsistent with the evidence before it'

10. The Claimant appears to have viewed the evidence with a certain lens and due to that, believes that the Tribunal reached conclusions which were inconsistent with the evidence.
11. In its Reserved Judgment the Tribunal explained that having applied the law to the facts, certain conclusions were reached and explained why.

Relevant Law

12. 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. 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 being exercised too readily; and in Lindsay v. Ironsides Ray and Vials [1994] ICR 384 Mummery J held that the failure of a party's representative to draw attention to a particular argument will not generally justify granting a review.'

13. Similarly, in Liddington v. 2Gether NHS Foundation Trust EAT/0002/16 the EAT chaired by Simler P (as she then was) said in paragraph 34 that:

'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 by 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.'

14. In common with all powers under the 2024 Rules, reconsideration under rule 70 must be conducted in accordance with the Overriding Objective which appears in rule 3, namely, to deal with cases fairly and justly. Achieving finality in litigation is part of a fair and just adjudication.
15. Reconsideration is not a means by which to have a second bite at the cherry, or is it 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.
16. Tribunals have a wide discretion whether or not to order reconsideration. 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.
17. The Claimant, in her application, seeks to re-litigate matters and adduce evidence which was not before the Tribunal; evidence which the Respondent was not able to test and that the Tribunal was unable to assess. As per Liddington, reconsideration is not a process by which the Claimant can have a '*second bite at the cherry*.'
18. For all of the above reasons, the Claimant's application is refused.

Employment Judge Sudra

Date: 21st April 2026

Case Number: 2302753/2023

Sent to the parties on:

Date: 24th April 2026

For the Tribunal Office