



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Clever Jakopo

**Respondent:** Smith & Nephew Healthcare Limited

## JUDGMENT

The claimant's application for reconsideration of the judgment sent to the parties on 13 January 2014 is refused.

## REASONS

1. The claimant presented a claim of race discrimination to the Employment Tribunal in 2013 which was heard at Huntingdon on 9 and 10 December 2023 by Employment Judge Cassel and Non-legal Members Ms K Johnson and Mr Respondent Eyre. The claim was dismissed.
2. By an application dated 27 May 2026 the claimant sought reconsideration of this judgment on the basis that he claims to have discovered fresh evidence.
3. I have considered this application under rules 69 to 71 of the Tribunal Procedure Rules 2024 as the original tribunal is no longer available to do so. Judge Cassel and Ms Johnson have retired, Mr Eyre has passed away.
4. I have taken the claimant's assertion that he has discovered fresh evidence which might affect the original judgment of the tribunal at its highest for the purpose of deciding this application. In other words, I have assumed in the claimant's favour that: (a) the evidence was unobtainable with reasonable diligence at the time of the original hearing; (b) that it would probably have influenced the outcome; and (c) that the new evidence is apparently credible. I have not made findings to this effect, however, as it is unnecessary for me to do so to reach a decision on this application.

5. I refuse application as being unnecessary in the interests of justice for the following reasons:
  - 5.1 To re-open this litigation more than 12 years after the claim was disposed of is contrary to the important public policy of finality in litigation.
  - 5.2 On the claimant's own account, he discovered the fresh evidence in 2023 yet did not present this application to the Tribunal until May 2026. This delay is unexplained and unwarranted.
  - 5.3 Whether judged from the date of the original disposal of this claim or the more recent discovery of the fresh evidence, it is improbable that a fair hearing of this claim is possible now because of the passage of time.
6. Accordingly, the claimant's application is refused under rule 70(2) of the Tribunal Procedure Rules 2024 as, for the reasons given, there is no prospect of the judgment being varied or revoked.

Approved by:

**Regional Employment Judge  
Foxwell**

**3 June 2026**

Judgment sent to the parties on:

11 June 2026

For the Tribunal:

#### Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.