



EMPLOYMENT TRIBUNALS

Claimant: Halina Maria Kowczyk

Respondent: H M Land Registry

JUDGMENT ON A RECONSIDERATION

The claimant's application for a reconsideration is refused because there is no reasonable prospect of the decision being varied or revoked.

REASONS

1. The claimant seeks a reconsideration of the judgment in this case dated 13 November 2025 and sent to the parties on 19 December 2025. That judgment held that the claimant was not disabled at the material time by virtue of stress, anxiety and effects of the menopause, those claims were in any event presented out of time in circumstances where it was not just and equitable to extend time and the claim of unfair dismissal was not well founded and was dismissed.
2. The application was submitted pursuant to what is now rule 68 of the Rules of Procedure 2024. It was submitted on 14 January 2026 outside the 14 day period for such applications. However, I exercised my discretion to extend time given that the claimant was no longer represented by her lay representative to whom the judgment was sent resulting in a delay in the claimant actually receiving it.

Grounds of application

3. The grounds of the application made under what is now rule 68 are:
 - 3.1 Material evidence relating to a secondary mental health referral was not addressed in the judgment despite the respondent having been notified about it;
 - 3.2 The Tribunal's continuing act and time limit analysis was inadequately reasoned;

3.3 Further medical evidence is awaited by the claimant which could not reasonably have been obtained earlier being a request for a letter from the Community Mental Health Team confirming a diagnosis of anxiety and hoarding disorder; and

3.4 It is in the interests of justice to reconsider the judgment.

Discussion and conclusion

4. The claimant seems to have misunderstood the important elements of the judgment. In a preliminary hearing the claimant confirmed that the only conditions she relied upon in her disability discrimination claims were stress, anxiety and effects of the menopause. It seems she now seeks to provide confirmation of her hoarding disorder but does not explain why this could not reasonably have been provided at the hearing or how this affected her conduct which led to her dismissal.

5. It is not clear whether the claimant seeks to challenge the Tribunal's finding that she was not disabled at the material time by reason of stress, anxiety and effects of the menopause. The Tribunal's reasoning for this finding is perfectly clear, namely, that there is no medical evidence to support the claim that she had a long-standing impairment which adversely affected her ability to undertake normal day to day activities. Further, with the exception of one entry in 2002 in her medical records that she was suffering from night sweats and her sleep was affected, there are no entries concerning stress, anxiety and effects of the menopause for a full 2 years before her dismissal. In relation to anxiety, the claimant was prescribed sertraline once on the day after she received the outcome letter confirming her dismissal.

6. As far as the continuing act reasoning is concerned, having found the claimant was not disabled it was not strictly necessary to consider this at all except for the fact that the respondent pleaded it as a ground of resistance of the claim. In any event, the reasoning is clear.

7. As for it being in the interests of justice to reconsider the judgment, the application does not satisfy the test for granting the application. Broadly, it is not in the interests of justice to allow a party to reopen matters heard and decided unless there are special circumstances such as a procedural irregularity depriving a party of a chance to put their case or where new evidence comes to light that could not reasonably have been brought to the original hearing and which could have a material bearing on the case. The new evidence regarding anxiety that the claimant refers to cannot alter the fact that there is no record of the condition prior to the investigation and disciplinary hearing which led to her dismissal.

8. The interests of justice test should be applied narrowly, for example, where there has been a material change in circumstance. There is no evidence before me that such a material change in circumstance has arisen here.

9. The claimant's case was beset by her changing narrative throughout the disciplinary procedure and continues through her application for reconsideration. She is attempting to introduce new evidence now without saying why it is relevant or why it was not available at the hearing. She also attempts to reargue matters already decided and this does not meet the interests of justice test.

10. For the above reasons, the application is refused.

11. The parties are reminded of rule 70(5) of the Rules of Procedure which provides:

If the Tribunal determines the application (for reconsideration) without a hearing the parties must be given a reasonable opportunity to make further representations in respect of the application.

Approved by:

Employment Judge M Butler

Dated: 11 June 2026

Sent to the parties on

...20 June 2026.....

For the Employment Tribunal

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