



EMPLOYMENT TRIBUNALS

Claimant: Mrs. T. Preston
Respondent: Teledyne FLIR
Considered at: London South
On: 10th August 2026
By: Employment Judge Sudra

JUDGMENT on RECONSIDERATION

The Claimant's application for reconsideration of the Reserved Judgment in this matter, promulgated on 16th June 2026, is **REFUSED** and the decision in that Judgment is confirmed.

Application

1. The Claimant, on 30th July 2026, has applied for a reconsideration of the Judgment on, inter alia, the grounds of:

- '1. *Procedural irregularity*
2. *Errors of law*

3. *Perverse findings of fact*
4. *Failure to consider relevant evidence*
5. *Interests of justice'.*

2. The Claimant's reconsideration application was seven 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

3. The Claimant's reconsideration application identifies five grounds of reconsideration then further broken down into discrete numbered grounds. However, the nub of the Claimant's reconsideration request is as follows.

'Procedural irregularity'

4. Whilst it is correct that on the second day of the Final Hearing ('Hearing') it became necessary to close the venue, due to having no running water, the parties did not lose any time (due to the comfortable listing of the Hearing) and were able to complete evidence and submissions. Therefore, neither the Claimant nor the Respondent were disadvantaged.

5. At the conclusion of the evidence on day four, we adjourned at 16:02 until 11:00 the next day to allow the Claimant sufficient time to prepare closing submissions. Upon resuming on the fifth day (a Friday), the Claimant stated that whilst she had prepared written closing submissions, she had tried to amend them as she was 'not happy' with the document and had, in the process, lost the original version. The Claimant requested we adjourn until the following Monday (which had been reserved for Tribunal deliberations) so she could submit a document that she was happy with. The Respondent objected as it would mean that it would incur additional expense and that a deliberation day would be lost resulting in delay in

sending out written reasons. The Respondent also submitted that it 'was confident that the that the Tribunal had been fair to the Claimant' and her cross-examination of the Respondent's witnesses had not been sped up.

6. We decided to adjourn until 13:00 to give the Claimant further time to work on her submissions. This was a proportionate and fair decision and in keeping with the overriding Objective.
7. The Claimant was offered regular breaks throughout the Hearing and we took unsolicited breaks when we felt it was necessary even when the Claimant said she was fine to continue.

'Errors of law'

8. The Tribunal applied the relevant law to the facts it had found.

'Perverse findings of fact'

9. Findings of fact are a matter for the Tribunal based on the oral and documentary evidence before it. The Claimant's disagreement with the facts found is not a valid reason to reconsider a judgment.

'Failure to consider relevant evidence'

10. In Liddington (see paragraph 15 below) the Employment Appeal Tribunal ('EAT') held that a reconsideration request was not an opening to re-litigate matters.

11. This application is an example of that sort of request. It relies on arguments which were made at the Hearing and which were considered in the judgment.

12. In those circumstances there is no reason to disturb the findings already made.

'Interests of justice'

13. The Claimant has not provided any cogent evidence of the Hearing being conducted in a manner contrary to the Interests of justice.

Relevant Law

14. 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.'

15. 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.'

16. 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.

17. 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.
18. 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.
19. The Claimant, in her application, seeks to re-litigate matters and dispute factual findings. As per Liddington, reconsideration is not a process by which the Claimant can have a '*second bite at the cherry*.'
20. For all of the above reasons, the Claimant's application is refused.

Employment Judge Sudra

Date: 10th August 2026