



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr W Bull

**Respondent:** Smarta Energy Limited

## JUDGMENT

The claimant's application dated **23 March 2026** for reconsideration of the judgment sent to the parties on **24 March 2026** is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because

1. On 23 March 2026, at a preliminary hearing in public I issued a judgment dismissing the claimant's claims upon the claimant having withdrawn them by email dated 15 November 2025. I declined to conclude that either of the matter in rule 51 (a) or (b) applied. I gave oral reasons.
2. At the conclusion of the oral reasons the claimant indicated that further to his written submissions in which he had indicated that he intended to appeal any decision which was against him, he did indeed intend to appeal my decision. He also indicated that he intended to ask for reconsideration. On that basis he asked for written reasons of my decision to dismiss the claim which were duly prepared.
3. The written reasons were prepared and uploaded to the electronic file system by the Tribunal staff on 24 March 2026 (the day after the hearing). By that time the claimant had already uploaded a document entitled: "Formal Application: Reconsideration (Rule 70) & Grounds of Appeal" in which he set out his grounds of appeal and the basis for his reconsideration application.
4. When I accessed the electronic file to consider the reconsideration application I noted that the claimant had also uploaded additional written submissions on the morning of 23 March 2026. These must have been uploaded at some point between around 9.40am when I last viewed the file on the morning of the hearing and 10.30am when the hearing commenced. I had therefore not seen them – due to the very late filing – in advance of the hearing; however I have read those written submissions when considering this reconsideration application. For the avoidance of doubt there was nothing withing the late written submissions which was not addressed by the claimant either in previous correspondence or in his oral submissions at the hearing and

therefore there was nothing which has caused me to reconsider my decision.

5. In respect of the reconsideration application itself, the claimant is essentially seeking to appeal my decision as he asserts that my decision was wrong in law. That is self-evident from the fact that the document is entitled in part, Ground of Appeal. That matter will be for the appellate Tribunal to consider as appropriate if and when an appeal is lodged.
6. The reconsideration application was lodged very shortly following the hearing on 23 March 2026. Within it the claimant raised no new arguments. He sought to identify no new factual matters which he had not previously raised with the Tribunal. Essentially he disagreed with my decision and sought to ask me to consider it again. I am not satisfied that he has identified any matters from which I could properly conclude there were any reasonable prospects of my original decision being revoked or varied.
7. For completeness' sake I deal with the claimant's arguments in turn:

- a. Misapplication of sections 2 and 3 of the Mental Capacity Act 2005

As set out in my written reasons I did not consider that merely because the claimant set down in writing that he was able to understand, retain, use and weigh (as part of the decision-making process) information and communicate his decision. Rather I considered the email of 15 November 2025 as a cohesive document and the plain meaning of the words used.

I determined that when looking at the email as a whole, and notwithstanding the claimant being under the care of the Early Intervention in Psychosis ("EIP") team the claimant made a clear, informed and reasoned submission to the Tribunal. I set this reasoning out at paragraph 43 of my written reasons.

- b. Refusal to adjourn for medical evidence

For the avoidance of doubt no application made orally at the hearing by the claimant for a postponement to provide medical evidence. I considered explicitly whether, notwithstanding the lack of an application, a postponement ought to be granted in any event. For the reasons set out in my written reasons I did not consider that this was necessary. I did not consider that either of the matter in rule 32(2) of the Employment Tribunal Procedure Rules 2024 applied in that: (i) there had been no act or omission on by the respondent or the Tribunal which *necessitated* (giving the word its ordinary meaning of the imperative) an adjournment; and (ii) there were exceptional circumstances.

For the reasons articulated in my written reasons I decided that the evidence of the claimant's involvement with EIP or the GP would not assist. I clarified with him that those letters would simply state that he was being treated for psychosis. For the reasons I gave in writing I did not consider that this would assist the Tribunal in deciding the issue before it. I considered that such a postponement would only increase delay and increase the likelihood of further, unhelpful correspondence from the parties. In those circumstances, in line with the overriding objective I discounted ordering a postponement of my own volition.

- c. Administrative irregularity regarding the 15/11 notice

The claimant's request for reconsideration on this ground is unclear. There was no evidence to support the claimant's assertion nor did he seek to argue the point raised therein at the hearing.

I have considered whether the additional submissions cause me to reconsider my judgment. They do not. The lack of correspondence is demonstrative – in the history of this litigation – of an acceptance on both sides that the withdrawal email brought matters to a conclusion in the minds of the parties. Additionally the claimant's own account is that notwithstanding his mental ill-health he was able to send the email of 15 November 2025 and therefore the suggestion that it also resulted in non-engagement with the Tribunal is, in my judgment, not persuasive.

d. Distinguishing the case of *Kaur v Birmingham* [2025]

I have set out my analysis of *Kaur* at paragraph 46 of my written reasons in which I noted that it was authority for the proposition that mental health difficulties alone were insufficient. I considered this in the circumstances of this case in which I found that the claimant gave informed, reasoned and considered thought to a substantive withdrawal on 15 November 2025. I do not consider that this submission alters my initial finding and decision.

e. Prioritising administrative burden over justice

As I made clear in my written reasons I did not rely on this matter to reach my conclusion on the primary issue. I considered this matter (at paragraphs 40-42 of my written reasons) when balancing the need for a postponement. In circumstances where I was not satisfied that the evidence referred to by the claimant was necessary, I considered that in circumstances where there would be inevitable administrative burdens, such a postponement was not necessitated and was not in the interests of justice in line with the overriding objective.

f. Right to a fair trial (Article 6 ECHR)

I explicitly considered the right to a fair hearing within my written reasons. I noted that in this case both parties had the opportunity to make oral and written submissions on the issue before judgment was entered in accordance with rule 51.

The claimant did not raise the argument under section 7 of his document in the hearing. I have considered this as part of this application. For the reasons I have previously given I do not consider and did not consider that the claimant's withdrawal was a "technical" withdrawal. It was the claimant's right to choose to use Artificial Intelligence ("AI") to prepare his submissions to the Tribunal, as he appears to have done throughout the life-time of the claim so far. The ultimate fact is that notwithstanding the claimant using AI to assist him he would have inputted any prompts or information; he would have had to have set out his position and matters for his submission to address; and he would have considered, read and copied the submission before sending the email of 15 November 2025. Put simply the suggestion that the claimant had no agency in the withdrawing of his claim because he used an AI tool to assist the composition of it is fanciful. This further argument does not change my initial consideration of the withdrawal.

8. Accordingly I do not consider that, pursuant to rule 70(2) of the Employment Tribunal Procedure Rules 2024, there is any reasonable prospect of the original decision being varied or revoked. I therefore refuse the claimant's application for reconsideration.
9. Those are my reasons.

Date: **27 March 2026**

Approved by

**Employment Judge Wilkinson**

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE