



EMPLOYMENT TRIBUNALS

Claimant Mr L Sadowski
Respondent Culina Logistics Ltd
On 09 August 2026
Before Employment Judge Hastie

JUDGMENT ON RECONSIDERATION

The Claimant's application for reconsideration of the Judgment dated 10 June 2026 is refused.

REASONS

Background

1. The Claimant brought claims against his former employer including disability discrimination. Disability was contested by the Respondent. A preliminary hearing took place on 18 May 2026 to determine whether the Claimant was disabled within the definition contained in section 6 of the Equality Act 2010 (EqA10).
2. The Claimant was found to not be disabled within the definition in the Equality Act 2010 section 6. A reserved judgment and reasons dated 10 June 2026 was sent to the parties on 22 June 2026.
3. On 5 July 2026, the Claimant submitted an application for reconsideration of the judgment dated 10 June 2026.

Law

4. Reconsideration applications are governed by the Employment Tribunal Rules 2024. Rule 68 provides that the Employment Tribunal may, either on its own initiative or on the application of a party, reconsider a decision where it is necessary in the interests of justice to do so. On reconsideration, the decision may be confirmed, varied, or revoked.

5. Rule 69 provides that an application for reconsideration must be made within 14 days of the date on which the decision (or, if later, the written reasons) was sent to the parties.
6. Rule 70 provides the process by which the Tribunal considers an application for reconsideration. Where the Judge considers that there is no reasonable prospect of the original decision being varied or revoked, the application shall be refused. Otherwise, the Tribunal shall send a notice to the parties setting out a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing.
7. The Claimant's application was received within the relevant time limit. I therefore consider it under Rule 70.
8. The importance of finality in litigation was confirmed by the Court of Appeal in Liddington v 2Gether NHS Foundation Trust EAT/0002/16. Simler P said that:

"34. [...] 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 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.

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."

9. I have kept in mind the overriding objective in Rule 3 that cases must be dealt with fairly and justly. This includes, as far as practicable, ensuring the parties are on an equal footing, dealing with cases in ways which are proportionate to the complexity and importance of the issues, and avoiding delay. Achieving finality in litigation is part of a fair and just process.

The application for reconsideration

10. In his communication of 5 July 2026, the Claimant raises several issues as the basis for his application.
 - Significant new medical evidence has been obtained that directly addresses the Tribunal's concerns,
 - Witness evidence has been obtained,
 - Difficulty obtaining legal advice and impact on representation,
 - The Claimant's medical condition at the time of the hearing

11. The preliminary hearing on 18 May 2026 was listed on 18 September 2025. The hearing on 18 May 2026 was the Claimant's opportunity to provide information, evidence, and put his best case.
12. A reconsideration is potentially a route for a party to raise new matters, but only where these have subsequently come to light after the hearing and where that party can adequately explain why the matter was not raised before.
13. I have kept in mind the decision in Outasight v VB Brown 2015 ICR D 11. In this case, it was confirmed that Employment Tribunals have a broad discretion in determination of reconsideration applications. It was stated that discretion must be exercised judicially: "which means having regard not only to the interests of the party seeking the review or reconsideration, but also to the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation".

Significant new medical evidence has been obtained that directly addresses the Tribunals concerns.

14. The Claimant says that he did not understand that additional specific expert evidence was required to address the definition in EQA10 section 6. Further, specific reports from a psychologist and endocrinologist have been obtained specifically to address the issue in response to the reserved reasons.
15. I have read the psychologist and endocrinologist reports provided with the reconsideration application. The reports are written in Polish and provided together with Google translate copies. This situation forces the Tribunal to rely on the accuracy of machine-produced translations. The identity, qualifications, and professional status of the report writers are not stated in detail.
16. The Claimant raised at the hearing of 18 May 2026 that he could obtain additional medical evidence. He mentioned that he would be able to do that within a week. I consider that the Claimant was aware at the hearing that the evidence he had provided may not be adequate to persuade the Tribunal that he was disabled within the EQA10 definition. The Claimant had eight months to obtain and adduce all of the relevant evidence that might support his case. The reports provided now have been obtained in response to the finding that there was insufficient persuasive medical evidence before me to conclude that the EQA10 definition was met at the material time.
17. It is not in the interests of justice for a party to obtain additional evidence after the hearing that they knew could have been obtained for the hearing. I have in mind the observations made in the cases referred to. The evidence provided by the Claimant since the hearing could have been obtained prior to the hearing. I have considered the interests of the Respondent should the issue be reopened, as well as the need for finality in litigation and the avoidance of delay.

18. It remains the case that the Claimant brings other claims that are not affected by my conclusions in relation to disability.

Witness evidence has been obtained.

19. At the hearing of 18 May 2026, the Claimant said he could obtain statements from his ex-partner and those who knew him at the material time. The Claimant has now provided witness statements from his ex-partner, and from an ex-work colleague. These statements describe the Claimant's presentation, physical, and emotional.
20. It is not in the interests of justice for a party to obtain additional evidence after the hearing that they knew could have been obtained for the hearing.
21. I do not consider that these statements, obtained in response to the reserved reasons, lead me to conclude that there is any reasonable prospect of the judgment being varied or revoked.

Difficulty obtaining legal advice and impact on representation

22. The Claimant was not legally represented at the hearing of 18 May 2026. In his reconsideration application, the Claimant states that he had approached a solicitor at the beginning of his case. The potential financial risk caused him to decline representation from that solicitor, and he continued as a litigant in person. It appears that no other legal advice was sought in relation to the claims. The issue of legal representation was not raised at the hearing of 18 May 2026.

The Claimant's medical condition at the time of the hearing

23. The Claimant had sought an adjournment by email on 14 May 2026. A substantial part of the hearing on 18 May was spent identifying the Claimants' position. This is described in the reserved reasons. I concluded that the Claimant was seeking an adjournment as he was concerned that the Respondent had not provided full disclosure. As reflected in the reserved reasons, this issue had been dealt with by EJ Bax in March 2026. The disclosure sought related to the Respondents' knowledge at the relevant time and not to the issue of whether the Claimant fulfilled the definition in EQA10 section 6. The adjournment was not sought on health grounds, and, in the end, no formal application to adjourn was pursued at the hearing. The Claimant said that he was content to proceed.
24. Reasonable adjustments were made to assist the Claimant to participate in the hearing and give his best evidence. Frequent breaks were taken; frequent enquiries were made of the Claimant to check if additional breaks were needed. When the Claimant said he needed a break, a break was taken.

Conclusion

25. The Claimant is correct to say that the decision was made in the absence of the additional evidence. It is the case though that the preliminary hearing was listed some eight months prior to the hearing of 18 May 2026. The

Claimant had significant opportunity to seek alternate legal advice. Guidance on potential sources of advice is contained in the case management order that the parties were sent in October 2025. Further, the Claimant had significant opportunity to obtain the additional medical reports and statements.

26. I do not consider that the witness statements provided by the Claimant's ex-partner and colleague would have made any difference to my decision in relation to disability. The medical evidence was key to my considerations. As detailed in the reserved reasons, the Claimant's position in relation to an adjournment was extensively explored at the start of the hearing. The Claimant did not seek an adjournment, but on several occasions referred to being content with how the Tribunal decided to proceed. The basis of the application made by email on 14 May 2026 had been in relation to disclosure. This was confirmed by the Claimant at the hearing. I determined that the disclosure sought was not pertinent to the preliminary issue of disability. Further, that the Claimant was not seeking an adjournment based on his health. The reasonable adjustments made at the hearing met the Claimants' needs, and he did not raise any issue either at the start of the hearing or during the day.
27. I have considered the Claimants grounds for reconsideration both individually and cumulatively. There is nothing that could not have been obtained in advance of the hearing of 18 May in the reports and witness statements. There is nothing in the information submitted by the Claimant on 5 July that has come to light since the 18 May 2026. The Claimant cannot adequately explain why the information was not obtained prior to the 18 May. The Claimant had time and the opportunity to seek legal advice. The Claimant's position in relation to any adjournment was fully explored at the hearing. The Claimant was content to proceed with the hearing on 18 May 2026 and appeared well able to do so.
28. Accordingly, I refuse the application for reconsideration pursuant to Rule 72(1) because there is no reasonable prospect of the Judgment being varied or revoked.

Approved by
Employment Judge Hastie
Date: 09 August 2026

JUDGMENT & REASONS SENT TO THE PARTIES ON
21 August