



EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant
Tom Peace**

AND

**Respondent
The Loyalty People Limited**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD IN CHAMBERS AT Bristol ON 1 October 2026

EMPLOYMENT JUDGE J Bax

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The judgment of the tribunal is that:

- 1. The claimant's application for reconsideration of the withdrawal is refused because there is no reasonable prospect of the decision being varied or revoked. The claim remains withdrawn and has been brought to an end.**
- 2. It appears that the Judgment dismissing the claim on that withdrawal should not have been entered. It is proposed that the Judgment is revoked. This does not affect the decision in relation to withdrawal. The Respondent shall provide a response to this proposal, on or before 16 October 2026. If no response is received the dismissal on withdrawal judgment will be revoked.**

REASONS

1. The claimant has applied for a reconsideration of the Judgment dismissing his case on withdrawal dated reserved judgment dated 24 March 2026 which was sent to the parties on 16 April ("the Judgment"). The grounds are set out in his email dated 25 September 2026, received the same day by the Tribunal.

Background

2. The Claimant presented his claim under case number 6031890/2025 for unfair dismissal on 28 August 2025. The claim and the associated response were accepted.
3. On 19 February 2026, the Claimant e-mailed the Tribunal and said that he had been made aware by the Bristol Tribunal that he had two cases, the case in Bristol and a case in East London under case number 6043704/2025. He said that the e-mail should be taken as the Bristol case can be cancelled and the East London case would progress.
4. On 25 February 2026, Regional Employment Judge Pirani directed that the Claimant was to confirm whether he sought the duplicate case in Bristol to be withdrawn.
5. On 27 February 2026, the Claimant e-mailed the Tribunal and said, "Yes, please withdraw the duplicate case in Bristol. The case in East London should proceed."
6. On 28 February 2026, the Tribunal acknowledged that the claim was withdrawn and a dismissal judgment would be issued in due course.
7. The dismissal judgment was approved on 24 March 2026 and sent to the parties on 16 April 2026.
8. The Employment Tribunal Procedure rules 2024 set out the rules of procedure. Rule 69 provides in respect of an application for reconsideration under Rule 68 that ,

" Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of—

(a) the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or

(b) the date that the written reasons were sent, if these were sent separately.

9. The application was therefore received after the relevant time limit expired
10. Under Rule 5(7) the Tribunal may, on its own initiative or on the application of a party, extend or shorten any time limit specified in the Rules or in any decision, whether or not (in the case of an extension) it has expired.
11. The grounds for reconsideration are only those set out in Rule 68, namely that it is necessary in the interests of justice to do so.
12. The grounds relied upon by the claimant are these:
 - a. When he had gone onto the portal on 27 November 2025 to input further information, he had inadvertently generated a second claim. The Respondent had asked for the claims to be consolidated. He had withdrawn the claim following the above background. On 13 July 2026 the London East Tribunal recognised that the claim it had appeared to have been presented out of time and a preliminary hearing was listed on 20 November 2026 to determine the time point. The Claimant asked for the judgment of 24 March 2026 to be revoked and his claim reinstated.
 - b. He says a member of Tribunal staff told him on 16 February 2026 the claims were pure duplication, the London case was listed sooner and cancelling his Bristol case would not affect his case. He was not told by either Tribunal office that the London case had a later presentation date.
 - c. If London declines jurisdiction he would not have a claim. This is the situation that rule 51 applies to.
 - d. The withdrawal was conditional and that he wanted to continue to reserve the right to bring the claim.
 - e. The withdrawal was procured by the Tribunal.
13. The earlier case law suggests that the interests of justice ground should be construed restrictively. The Employment Appeal Tribunal ("the EAT") in Trimble v Supertravel Ltd [1982] ICR 440 decided that if a matter has been ventilated and argued then any error of law falls to be corrected on appeal and not by review. In addition, in Fforde v Black EAT 68/80 (where the applicant was seeking a review in the interests of justice under the former Rules which is analogous to a reconsideration under the current Rules) the EAT decided that the interests of justice ground of review does not mean "that in every case where a litigant is unsuccessful he is automatically entitled to have the tribunal review it. Every unsuccessful litigant thinks that the interests of justice require a review. This ground of review only applies in the even more exceptional case where something has gone radically wrong with the procedure involving a denial of natural justice or something of that order".

14. More recent case law suggests that the "interests of justice" ground should not be construed as restrictively as it was prior to the introduction of the "overriding objective" (which is now set out in Rule 3). This requires the tribunal to give effect to the overriding objective to deal with cases fairly and justly. As confirmed in Williams v Ferrosan Ltd [2004] IRLR 607 EAT, it is no longer the case that the "interests of justice" ground was only appropriate in exceptional circumstances. However, in Newcastle Upon Tyne City Council v Marsden [2010] IRLR 743, the EAT confirmed that it is incorrect to assert that the interests of justice ground need not necessarily be construed so restrictively, since the overriding objective to deal with cases justly required the application of recognised principles. These include that there should be finality in litigation, which is in the interest of both parties.
15. In Outasight VB Ltd v Brown [2015] ICR D11, EAT, HHJ Judge Eady QC accepted that the wording 'necessary in the interests of justice' in rule 70 allows the tribunal a broad discretion to determine whether reconsideration of a judgment is appropriate in the circumstances. However, this 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'*
16. Rule 50 of the Tribunal rules provides, "Where a party advancing a claim informs the Tribunal, either in writing or in the course of a hearing, that their claim, or part of it, is withdrawn, the claim, or part, comes to an end, subject to any application that the party responding or replying to the claim may make for a costs order, preparation time order or wasted costs order."
17. Under rule 51 of the Tribunal rules, where a Claimant informs the Tribunal that a claim or part of it is withdrawn, that claim or part is brought to an end. Under rule 52, where a claim or part of it is withdrawn under rule 51 the Tribunal shall dismiss it, unless the Claimant has said at the time of withdrawal they wanted to reserve the right to bring such a claim or the Tribunal believes such a Judgment would not be in the interests of justice.
18. In Khan v Heywood and Middleton Primary Care Trust [2007] ICR 24 it was held that the Tribunal has no power to set aside a notice of withdrawal of a claim.
19. The Claimant withdrew his claim on 27 February 2026. By reason of rule 50 his claim came to an end at that date. The withdrawal was not equivocal but said he wanted to maintain the London proceedings. The Claimant says that the withdrawal was procured by the Tribunal staff, however the Tribunal does not provide advice as to claims and the decision as to which claim to withdraw was that of the Claimant. As per the decision in Khan, the Tribunal has no power to set aside a notice of withdrawal. The claim is therefore still

withdrawn and has come to an end. The application in this respect is refused on the basis that there is no reasonable prospect of the withdrawal being varied or revoked. Further the application was made significantly outside of the 14 day time limit and 2 months after the hearing in July 2026. In the circumstances it was not in the interests of justice to extend time in relation to this part of the application.

20. In relation to the judgment dismissing the claim on withdrawal. The Claimant said in the withdrawal e-mail that he wanted to carry on pursuing the London claim. This was effectively a request for there not to be a dismissal judgment so that he could carry on pursuing the London claim. There appears to be a reasonable prospect of revoking the Judgment so that it does not create an estoppel issue for the Claimant in relation to the London claim. It is proposed that the Judgment is revoked. This does not affect the decision in relation to withdrawal itself. The Respondent shall provide a response to this proposal, on or before 16 October 2026.
21. In terms of the time limit for reconsideration of the dismissal Judgment, it was in the interests of justice to extend time in order not to frustrate the clear intention of the Claimant in his withdrawal e-mail to continue with the London claim.
22. The application for reconsideration in relation to the withdrawal itself and the retractions sought by the Claimant is refused. The claim continues to be withdrawn and has come to an end.
23. Accordingly, I refuse the application for reconsideration in relation to the withdrawal of the claim.
24. The Respondent shall provide a response in relation to revoking the Judgment on or before 16 October 2026. If no response is received the dismissal on withdrawal judgment will be revoked.
25. The Claimant would be well advised to set out what happened with this claim as part of his case in relation to time limits in respect of the London claim.

Approved by
Employment Judge J Bax
Dated: 1 October 2026

Sent to the parties on
7 October 2026

