



EMPLOYMENT TRIBUNALS

Claimant Arju Miah

Respondent Britvic Soft Drinks Limited (1)
CMBC SUPPLY LIMITED (2)

Heard at: Cambridge Employment Tribunal (by CVP)

RECONSIDERATION JUDGMENT

The claimant's application dated 13 August 2026 of the interim relief judgment sent to parties by tribunal administration on 7 August 2026 was referred to Employment Judge Hutchings by tribunal administration on 25 August 2026.

For the reasons set out below, the application is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked for the reasons set out below.
2. Rule 68 of the Employment Tribunals Procedure Rules 2024 ("the Rules") empowers a tribunal, either on its own initiative or on the application of a party, to reconsider any judgment where it is necessary in the interests of justice to do so. Any suggestion that a Tribunal has made an error of law or that its findings were perverse is generally a matter for appeal – Ebury Partners UK Limited v Acton Davis [2023] EAT 40. The reconsideration application must be sent to the tribunal no later than 14 days after full reasons are sent to the parties.
3. Therefore, the documents sent by the claimant on 24 August 2026 have not been considered as part of this reconsideration application as they were sent more than 14 days after judgment and full written reasons were sent to the parties on 1 August 2026.

4. Rule 70 of the Rules provides that if a tribunal considers that there is no reasonable prospect of the judgment being varied or revoked, the application must be refused.

5. In Outasight VB Limited v Brown UKEAT/0253/14, the Employment Appeal Tribunal considered the Tribunal's equivalent powers under Rule 70 of the Employment Tribunal Rules of Procedure 2013 and observed:

"The interests of justice have thus long allowed for a broad discretion, albeit one that 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, insofar as possible, be finality of litigation."

6. The claimant was employed by the Second Respondent, a supply and distribution company, as a Driver's Mate / Distribution Operative at the Bedford Distribution Depot, from 8 December 2023. The Claimant was dismissed on 11 June 2026 (the effective date of termination of employment) he says for making a protected disclosure, the Respondent says due to an act of gross misconduct concerning serious breaches of mandatory health and safety procedures.
7. The claimant's application is 11 pages; he also sent a 54 page "reconsideration bundle". It is evident from the content of the application and size of, and documents included in, the hearing file that he is seeking a "second bite of the cherry" in his application for interim relief. In his application he seeks to prove his case. This is not the purpose of reconsideration, as is evident from Rules 68-70. That said, in the limited time available to me (as a duty referral between a morning and afternoon hearing) I considered the documents to which he has referred me.
8. In so doing, it is apparent to me that the claimant has misunderstood the process of interim relief. His reconsideration application is centred on proving his claim. That is not the purpose of interim relief. As I explained to the claimant at the hearing, and in the relevant law section of my written reasons, quoting the case of Taplin v C Shippam Ltd [1978] ICR 1068, I must decide whether 'it is likely' the Claimant can demonstrate a 'pretty good chance' of succeeding in the final application to the Tribunal. I also explained to the claimant that the meaning of likely was confirmed in the case of Wollenburg v (1) Global Gaming Ventures (Leeds) Ltd (2) Herd UKEAT/0053/18/DA (unreported):

"Put shortly, an application for interim relief is a brief urgent hearing at which the Employment Judge must make a broad assessment. The question is whether the claim under s.103A is likely to succeed. This does not simply mean more likely than not. It denotes a significantly higher degree of likelihood. The Tribunal should ask itself whether the applicant has established he has a pretty good chance of succeeding in the final application to the Tribunal".

9. That is what I did at the hearing on 14 July 2026. At the time I explained my reasoning to the claimant in an oral judgment and issued written reasons immediately thereafter at his request. The claimant is asking me to revisit videos which he was unable to present to me at the hearing and a lengthy hearing file of documents, some of which I had before me at the hearing. The claimant had not presented the video recordings at the hearing in an accessible format for the tribunal to view. It is not fair or just to the respondent to seek to revisit the videos on reconsideration. If the claimant considers the videos relevant to his claim, he can disclose them to the respondent and they can be considered by the tribunal at the final hearing if they are presented in an accessible format. At the hearing I explained why I did not consider the claimant prejudiced by the late service of Mr Stone's witness statement, given its length and in the context of making a summary assessment. It would not have assisted me to have the 170 page hearing file before the hearing as judges are not allocated any reading time for an interim relief application, given they are only required to undertake a high level assessment. All of these things were explained to the claimant at the hearing. None of them are grounds for reconsideration.
10. That the claimant disagrees with my summary assessment of the evidence before me at that hearing (as is evident in his paragraph based analysis of the judgment) is not a matter for reconsideration. The final hearing will give him the opportunity to present his full case, the judge will make findings in the context of both parties evidence and reach a conclusion. It seems to me from the detail in the application, the analysis of what he says happened and documents in the reconsideration bundle that the claimant is seeking to short-cut that process using the interim application process. That is not its purpose, as I explained to him at the hearing and in the "relevant law" section of the judgment.
11. In this regard, the claimant seeks to analyse the reasons interim relief was not granted from the perspective of full analysis of the evidence. His application makes submissions on the high-level assessment I undertook. These are matters for a final hearing. First, a case management hearing needs to take place to enable parties, co-operating with the tribunal to finalise a list of issues. As I explained in the interim relief judgment, a tribunal does not make findings of fact at interim relief stage; only a high level assessment. The reconsideration application seeks a granular review. This is reinforced by the documents the claimant has included in the reconsideration hearing file. Again, his approach is premature. Once the list of issues is finalised, a judge will set dates for disclosure of documents to enable a review of relevant documents by the tribunal at the final hearing. In my judgement, the claimant is seeking to bypass this process. This is not a ground for reconsideration.
12. The claimant had reasonable opportunities to make the submissions in his written application at the hearing, in the time allocated for interim applications. Indeed, for some, he did. That he disagrees with my assessment is not a ground for reconsideration. Even if the claimant

persuaded me that he did not have a reasonable opportunity to make representations, in my judgement there is no reasonable prospect of the interim relief judgment being varied or revoked for the reasons stated above. The basis of the application is that the claimant disagrees with my high level assessment. In summary, I made a high level assessment in the time available. The claimant seeks an in-depth review of his evidence. That is a matter for the final hearing when the case has been managed by the tribunal for disclosure of relevant documents by both parties.

13. It is in the interests of justice for this claim to proceed through the usual case management process. Parties will receive a date for a case management hearing in due course.
14. There is no reasonable prospect of the interim relief judgment being varied or revoked. In the circumstances, the application for reconsideration is refused.

Approved By:

Employment Judge Hutchings

25 August 2026

Sent to the parties on:

12 October 2026

For the Tribunal Office