# EMPLOYMENT TRIBUNALS

**Claimant:** **Mr Owen Hall**

**Respondent:** **Rosen (UK) Ltd**

# JUDGMENT

The claimant's application dated 22 July 2026 to reconsider the judgment dated 9 July 2026 is refused.

## Reasons

### Introduction

1. On 22 July 2026, the claimant made an application for reconsideration of the Tribunal's judgment. In his application, the claimant contended that his physical and mental health adversely affected his ability to explain the late presentation of his claim form and also to engage with the Tribunal process; that he had no opportunity to submit further documents to support that contention, in the way that the respondent had adduced its costs warning letter in support of its application for costs; that the respondent made a costs application in the sum of £650, not £750 and the reason for making an order in the latter sum was unexplained; that the proper order, if one was to be made was a Preparation Time Order, and not a costs order.

2. The ET's power to reconsider its judgments is provided by rule 68 of the Employment Tribunals Rules of Procedure 2024 which provides that *'A Tribunal may …on the application of a party reconsider any judgment where it is necessary in the interests of justice to do so…"*

3. However, by rule 70(2), it is provided that an application for reconsideration *'shall be refused'* if *'the Judge considers that there is no reasonable prospect of the original decision being varied or revoked. . .'.*

4. When interpreting or executing its power of reconsideration, the Tribunal will be bound to seek to give effect to the overriding objective is provided at rule 2:

> *"The overriding objective of these Rules is to enable Employment Tribunals to deal with cases fairly and justly. Dealing with a case fairly and justly includes, so far as practicable— (a) ensuring that the parties are on an equal footing; (b) dealing with cases in ways which are proportionate to the*

*complexity and importance of the issues; (c) avoiding unnecessary formality and seeking flexibility in the proceedings; (d) avoiding delay, so far as compatible with proper consideration of the issues; and (e) saving expense."*

5. Although the power to reconsider a judgment is a broad discretion, it is one that must be exercised judicially. Simler P said in Liddington v 2Gether NHS Foundation Trust UKEAT/0002/16/DA:

> *"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. Tribunals have a wide discretion whether or not to order reconsideration."*

6. The relevant legal principles were recently revisited by HHJ Shanks in Ebury Partners UK Ltd v Davies [2023] EAT 40 at para 24:

> *"The employment tribunal can therefore only reconsider a decision if it is necessary to do so 'in the interests of justice.' A central aspect of the interests of justice is that there should be finality in litigation. It is therefore unusual for a litigant to be allowed a 'second bite of the cherry' and the jurisdiction to reconsider should be exercised with caution. In general, while it may be appropriate to reconsider a decision where there has been some procedural mishap such that a party had been denied a fair and proper opportunity to present his case, the jurisdiction should not be invoked to correct a supposed error made by the ET after the parties have had a fair opportunity to present their cases on the relevant issue. This is particularly the case where the error alleged is one of law which is more appropriately corrected by the EAT".*

**Discussion and Conclusion**

7. I turn to the claimant's contention that his health conditions prevented him from engaging with the Tribunal process and that he was not permitted to adduce further documentation in support of his health, in the same way that the respondent was permitted to adduce a costs warning letter in support of its costs application.

8. I note that:

    a. At box 12.1 of the claim form, the claimant indicated that he did not have any physical mental or learning difficulties or health conditions for which he sought support during his case. He did not subsequently indicate that that was not the correct position;

b. On 10 February 2026, when notifying the parties of the preliminary hearing to consider whether to extend time for presentation of the claim form, the claimant was informed of the issues for the Tribunal to determine, he was informed that the burden rested with him to persuade the Tribunal to extend time and he was specifically directed to adduce witness evidence and documentary evidence 'relevant to your application'. He adduced no information relating to his health and why he now claims his health was relevant to his application to extend time;
c. The claimant's witness statement contained no suggestion, much less explanation that the late presentation of the claim form was in any way attributable to anything other than a general misunderstanding of the procedure;
d. The claimant did not adduce any documents, in response to the direction above, that suggested that his misunderstanding was attributable to a cognitive or other impairment;
e. In fact the claimant did adduce further documentation; he produced a reply to Ms Brunton's skeleton argument, but he did not adduce any documents in relation to his health He did not seek information about the procedure when asked if he had any questions about it, nor did he indicate that he required support;
f. In evidence he explained his misunderstanding about time limits was to be contrasted with the knowledge of a solicitor rather than being something that was, or might be, attributable to a health condition;
g. Insofar as his application states that he sought but was prevented from obtaining assistance from his wife to answer a question, on a review of my notes, I can see that the support was in relation to Ms Brunton's request that since he agreed that he could have made appropriate enquiries about the presentation of his claim form sooner, he could have presented his claim form sooner; in other words, she was not asking him to recollect anything only to agree with her proposition.

9. The respondent sought a costs order in the sum of £750, not £650. It was sought at the conclusion of the preliminary hearing, which is to say, after I delivered my decision on whether to extend time. The document adduced by the respondent at that stage was the costs warning letter. The claimant did not question that that sum represented Ms Brunton's appearance fee. A costs order was the appropriate costs order in circumstances where the respondent is legally represented.

10. The matters the claimant seeks to raise in his application for reconsideration are matters that he could and should have raised in his witness statement and disclosed by way of documentary evidence.

11. In essence, the claimant seeks an opportunity to reargue points that he had a reasonable opportunity to argue in support of his application, in the manner that Simler P identified as impermissible.

12. There is nothing in the grounds advanced by the claimant that could lead me to vary or revoke my decision. I consider there is no reasonable prospect of the original decision being varied or revoked. It follows that I must refuse the application.

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Employment Judge Jeram

25 September 2026