Case Number: 3305183/2024

EMPLOYMENT TRIBUNALS

Claimant: **Robert Izsak**

Respondent: **JUST EAT.CO.UK Ltd**

UPON APPLICATION made by letter dated **13 February 2026** to reconsider the judgment dated 11 February 2026 under rule 69 of the Employment Tribunal Procedure Rules 2024, and without a hearing

JUDGMENT

1. **The application to reconsider the judgement dated 11 February 2026 is dismissed.**

REASONS

Background

1. Mr Izsak first made an application for the reconsideration of my judgment on 13 February 2026. He made it again on 2 March 2026 and 10 April 2026. Considering the significant delay in the determination of his application, I have set out the relevant dates for what has happened below.

2. On 17 April 2026, his application was sent to me by the tribunal office. I issued the following directions on 20 April 2026:

   2.1 Please send a notice to both parties stating that within 14 days of receipt of the notice, any written representations about the application for reconsideration must be made.

   2.2 Please request that, by the same date, both parties are requested to provide their views about whether the application for reconsideration can be determined without a hearing.

3. I was informed by the tribunal office on 22 June 2026 that both parties had made representations. Having considered the representations, I

determined that it was not in the interests of justice to hold a hearing. There was then some delay on my part before I issued the following directions on 28 July 2026:

> 3.1 Having received the views of the claimant and the respondent about the need for a hearing to determine the claimant's application for reconsideration, I have determined that a hearing is not necessary in the interests of justice.
>
> 3.2 However, it is not permissible for me to immediately determine the application. Under Rule 70(5) of the Employment Tribunal Procedure Rules 2024, the parties must be given a further, reasonable, opportunity to make further written representation in respect of the application.
>
> 3.3 The parties must send any further written representation about the application within 14 of receipt of this order. In the absence of any further representations, I will make a decision based on the representations that have already been received.

4. On 13 September 2026, I was informed by the tribunal office that neither party had made any further representations.

5. The first opportunity I had to consider the application thereafter was 19 October 2026. I apologise to the parties for the length of time it has taken for a decision to be made. The reason for the part of the delay caused by me was due to a combination of factors, including a period of ill health.

Claimant's application and written representations

6. Mr Izsak's application dated 13 February 2026 was based on four points:

    a. Procedural status of the Central London proceedings;
    b. Distinction between the Central London claim and October 2024 application to amend the claim;
    c. Operative pleadings; and
    d. Proportionality.

7. Mr Izsak expanded on these points in written representations dated 27 April 2026 and 12 May 2026.

8. In respect of the procedural status of the Central London proceedings, Mr Izsak said that these formed part of a group litigation from which he had withdrawn because he felt that the personal complaints he wished to pursue could not be dealt with as part of the group litigation. The fact that he had not yet received a judgment on dismissal after his legal representative informed the Central London tribunal that he withdrew his claim was outside of his control. He issued a claim in Watford Employment Tribunal to avoid delay and preserve his rights rather than in an attempt to abuse the process of the tribunal.

9. Mr Izsak said that the Central London claim primarily employment status, holiday pay and National Minimum Wage issues, whereas the October 2024 application to amend the claim covered constructive dismissal

allegations, Protected disclosure and detriment allegations; Disability-related discrimination and Health and safety related statutory and contractual employment claims.

10. In respect of the operative proceedings, Mr Izsak submitted that the amended October 2024 claim was not adequately considered. and that the issue should not just be whether some overlap existed between the proceedings, but whether the October 2024 statutory claims and procedural context were substantively evaluated. Further, that as a litigant in person, receiving a late and extensive bundle without clear signposting of the operative pleadings, he did not understand during the hearing that the October pleadings were not being treated as central to the issues before the Tribunal.

11. Mr Izsak submitted that strike out was not proportionate, and that the tribunal should have considered less draconian alternatives such as:

    (a) stay of proceedings;
    (b) case management directions;
    (c) identification of surviving claims;
    (d) amendment clarification directions.

12. In his later, supplementary submissions, Mr Izsak said he was content for the application for reconsideration to be determined at a hearing or on the papers.

Respondent's position and written representations

13. The respondent submitted that the Mr Izsak's reconsideration submissions on the procedural status of the Central London claim repeated the submissions that had already been considered and dealt with by the tribunal. It would not be in the interests of justice, including the public interest in the finality of litigation for this ground to be reopened where it has been properly dealt with by the Tribunal could not have been decided differently.

14. In respect of Distinction between the Central London claim and October 2024 amended ET1; the respondent said the tribunal was correct to have considered the claim was presented and not the October 2024 ET1 which was the subject of an application to amend which had not been determined. Further, Mr Izsak did not refer to or rely on his application to amend the claim at the preliminary hearing. He advanced different arguments in opposition to the strike out application.

15. As to the correct operative proceedings point, the respondent said that the Mr Izsak's submissions during the preliminary hearing had been based on the May 2024 claim, not the October 2024 claim (which was in fact an application to amend that had not yet been considered). Further, the application to amend had been made five months after the presentation of the claim. It the original claim was an abuse of process; it could not be rectified by an amendment.

16. In addition, the respondent noted that Mr Izsak's 22 October 2024

application to amend the Claim was included in the Tribunal bundle. The bundle was indexed, and there is no evidence that Mr Izsak was disadvantaged in his ability to refer to it at the preliminary hearing. Mr Izsak's suggestion that he did not understand the claim that was being referred to at the preliminary hearing is unsustainable because the claim was referred to extensively, including by the claimant in the skeleton argument he filed at the start of that hearing.

17. On proportionality, the respondent said that where a claim is held to be an abuse of process, there could not be circumstances in which a Tribunal would conclude that a claim should be allowed to continue.

The law

18. Rule 68 of the Employment Tribunal Procedure Rules 2024 states:

> ***"****(1) The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.*
>
> *(2) A judgment under reconsideration may be confirmed, varied or revoked.*
>
> *…"*

19. Rule 70 of the 2024 Rules deals with the process for reconsideration:

> *"(1) The Tribunal must consider any application made under rule 69 (application for reconsideration).*
>
> *(2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.*
>
> *(3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The notice may also set out the Tribunal's provisional views on the application.*
>
> *(4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard to any written representations provided under paragraph (3), that a hearing is not necessary in the interests of justice.*

(5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the application."

20. The respondent referred to the case of *Outasight VB Ltd v Brown [2015] ICR D11*, where it was said that the wording 'necessary in the interests of justice' in rule 70 of the Tribunal Rules 2013 (now rule 68) confers on Employment Tribunals 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 [...] 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'.

21. The respondent also referred to the case of *Ebury Partners UK Ltd v Acton Davis [2023] IRLR* 486 which said that the reconsideration procedure does not allow an Employment Judge merely to reach a different conclusion on the material that was before the Tribunal at the time of the original judgment.

Findings

22. No new submissions have been put forward in respect of the procedural status of the Central London proceedings. Clear findings were made about this in the judgment dated 11 February 2026. Finality in litigation is important.

23. The October 2024 application to amend the May 2024 ET1 claim and particulars of claim was not an issue that was before me when I determined the respondent's application to strike out the claim. Mr Izsak did not seek to rely on that point during the hearing. As the respondent has noted, in his skeleton argument for the hearing he referred to the May 2024 claim. It is correct that the October 2024 claim was not substantially evaluated. It could not have been because, at the point of the preliminary hearing, it was an application to amend. It was not an amended claim. The fact that the application it was in the bundle does not mean that the tribunal should have automatically considered it, in the absence of being asked to do so by one of the parties. In any event, an amended claim could not remedy the fact that the original claim, as pleaded, was an abuse of process.

24. Having found that the May 2024 claim was essentially the same as the proceedings that had been withdrawn in Central London and that this amounted to an abuse of process which formed part of Rule 38(1)(b) of the 2024 Rules, the inevitable conclusion was that the claims should be struck out. None of the alternative options put forward by Mr Izsak would have been appropriate because they could not enable the abuse of process to be rectified.

Conclusions

25. It is not in the interests of justice to reconsider the judgement dated 11 February 2026 on any of the grounds put forward by the Mr Izsak, either on their own or cumulatively. The application for reconsideration should be dismissed.

Date 19 October 2026

Approved by

Employment Judge Freshwater

JUDGMENT SENT TO THE PARTIES ON 21 October 2026

FOR THE TRIBUNAL OFFICE