Case No: 3306164/2025

EMPLOYMENT TRIBUNALS

Claimant: Miss K Jones

Respondent: Fusion Professional Ltd

JUDGMENT

The claimant's application dated 23 July 2026 for reconsideration of the Judgment dated 9 July 2026 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, for the reasons that follow:

1. In a judgment dated 7 July 2026 and sent to the parties on 9 July 2026 judgment was given as follows:

    1.1 At the relevant time the claimant was not an employee of the respondent within the meaning of section 230(1) Employment Rights Act 1996 (**ERA**), but she was a worker within the meaning of section 230(3)(b) ERA. The Tribunal makes a declaration to this effect.

    1.2 Claims of unfair dismissal and breach of contract are therefore dismissed because the Tribunal does not have jurisdiction to determine them.

    1.3 Statutory claims for holiday pay and unlawful deductions from wages (under the Working Time Regulations 1998 and/or ERA) were not presented within the applicable time limits. It was reasonably practicable to present them in time. The claims for holiday pay and unlawful deductions from wages are therefore dismissed.

1.4 The claim of disability discrimination was presented within the applicable time limit and will therefore proceed.

2. On 23 July 2026, the claimant made an application for reconsideration of the judgment. The application was copied to the respondent. It was sent to me on 24 September 2026.

3. I considered the application under rules 68 to 70 of the Employment Tribunal Rules of Procedure 2024.

The rules on reconsideration

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

> "A 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."

5. The requirement that a judgment may only be reconsidered where reconsideration is necessary in the interests of justice reflects the public interest in the finality of litigation. On reconsideration, the decision may be confirmed, varied or revoked. If it is revoked, it may be taken again.

6. Rule 69 states that an application for reconsideration must be made in writing setting out why reconsideration is necessary 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."

7. Rule 70 explains the process to be followed on an application for reconsideration. It states:

> (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.

Conclusions on the claimant's application

8. The application to reconsider was made in time.

9. I refuse the application under rule 70(2).

10. Rule 70(2) requires me to consider whether there is any reasonable prospect of the original decision being varied or revoked. I have considered whether there was any reasonable prospect of a conclusion that variation or revocation of the original decision was necessary in the interests of justice. If I find that there is not, then I 'must' refuse the application.

11. There must be some basis for reconsideration; the process is not an opportunity for a party to provide further evidence or to seek to reopen matters which the tribunal has determined without good reason.

12. The claimant raises 11 grounds for her application. The 11th ground is a summary of grounds 1-10 stating that the matters listed at 1-10 affected the claimant's ability to put her case and that it would be in the interests of justice to reconsider. I will deal with the 10 substantive grounds under 3 headings.

Grounds 1, 2, 4, 5 and 6

13. First, grounds 1. 2, 4, 5 and 6 which I will describe (in summary) as procedural issues. These relate to the claimant's status as an unrepresented litigant, her distress and its effect on her, compliance with Tribunal orders and what documents were before me and made available to her.

14. As recorded in the reserved Judgment, I discussed matters with the parties before the hearing began. The bundle is referenced. I record in terms that during this discussion '....a question arose whether the claimant wished to refer in her evidence to WhatsApp messages that did not appear in the bundle. She confirmed that she did not'. The hearing commenced.

15. I record in the Judgment that the claimant was distressed and that shortly after starting to give evidence, she indicated that she would not continue with her case. Despite the claimant indicating that she would abandon her

case, I record that 'I suggested she take a break to consider her position. After two adjournments the claimant said she wanted to continue and cross examination restarted at 12.15.'

16. The timings recorded in the Judgment show that the claimant was given over an hour to consider her position and whether she wished to adjourn, continue that day or abandon her case (her initial position). This was in the context of a hearing listed for one day. The claimant was permitted considerable time and support to help her decide how to proceed. The claimant did not request an adjournment based on the matters now raised in her application, or at all, and having had time to consider her position opted to continue with the hearing on the day.

17. Ground 5 appears to relate to the written submissions supplied by the respondent. Paragraph 6 of the Judgment refers to the fact that these were provided, that I explained submissions to the claimant as she was not represented, but that she decided not to make submissions.

18. I conclude, based on what is raised now and how matters were dealt with at the hearing, that there is no reasonable prospect of the judgment being varied or revoked based on the matters raised in this group of issues.

Ground 3

19. Ground 3 is a complaint relating to a subject access request made by the claimant. This is a matter outside the jurisdiction of the Tribunal. I therefore conclude that there is no reasonable prospect of the judgment being varied or revoked based on this issue.

Grounds 7-10

20. These grounds relate to evidence. The claimant gave oral evidence at the hearing. The matters now raised were either dealt with at the hearing and/or were matters that were capable of being dealt with then. They are not new issues of fact that have arisen since the hearing. In these circumstances, there is no reasonable prospect of the judgment being varied or revoked based on these issues.

21. The application for reconsideration does not raise any error of law, any procedural error or any other matter which would make reconsideration necessary in the interests of justice.

22. The claimant's application for reconsideration is therefore refused.

Approved by Employment Judge Harrison

19 October 2026

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Sent to the parties on:

2 November 2026

For the Tribunal: