# EMPLOYMENT TRIBUNALS

**Claimant:** Ms Thurdy Campbell

**Respondent:** Lewisham and Greenwich NHS Trust

**Heard at:** London South Employment Tribunal via CVP

**On:** 06 July 2026

**Case number:** 2303596/2022

**Before:** Employment Judge M Da Costa sitting alone

**ATTENDANCE AND REPRESENTATION**

None. This is a decision made in chambers following:

(a) the hearing of 06 July 2026 wherein I gave an oral strike out decision will full reasons;

(b) a written judgment dated 20 July 2026 and promulgated to parties on 22 July 2026;

(c) a decision dated 13 October 2026 and promulgated to parties on 14 October 2026 that contained, consolidated in a single document, full written reasons for the oral decision of 06 July 2026 and the decision responding to the claimant's reconsideration application of 05 August 2026.

# RESPONSE TO A FURTHER APPLICATION FOR RECONSIDERATION

## Background

1. By an ET1 form presented on 12 October 2022 the claimant brought claims for unfair dismissal and race discrimination. The unfair dismissal element was put on the basis of automatically unfair dismissal because of protected disclosures

allegedly made. By reason of those a head of claim under section 27 Equality Act 2010 was also put.

2. At subsequent proceedings, it was clarified that the remaining heads of claim were unfair dismissal and victimisation.

3. The case was listed for a trial of 4 days between 6 July 2026 and 9 July 2026. The trial was listed for "in person" (not via CVP). The respondent's counsel and instructing solicitors attended. The claimant did not attend.

4. Efforts were made on 06 July to contact the claimant by telephone and email. They were not responded to.

5. On 06 July 2026 the respondent renewed an application to strike out the entirety of the claimant's case. This application had been made in writing copied to the claimant on 30 June 2026. I acceded to that application and gave full oral reasons at the hearing.

6. On 20 July 2026 I completed my written notice of the strike out decision. This included the full reasons that I had given orally on 06 July 2026. That written notice was promulgated to the parties on 22 July 2026.

7. On 03 August 2026 the claimant requested written reasons for the strike out decision.

8. On 05 August 2026 the claimant requested a reconsideration of the strike out decision.

9. On 14 September 2026 the claimant wrote to the Tribunal chasing her application for written reasons and her reconsideration decision.

10. On 13 October 2026 I completed my decision on the claimant's reconsideration application. As an Annex to that document, I added my full reasons for the original decision, as given orally on 06 July 2026 and reproduced in my written judgment of 20 July 2026. At paragraphs 11 to 14 of that document, I explained the reasons for my approach in doing that and the reasons why in my opinion that approach was compliant with the relevant Tribunal Rules.

11. My reconsideration decision was promulgated to the parties on 14 October 2026.

12. On 28 October 2026 the claimant wrote to the Tribunal requesting a further reconsideration. With that she attached:

    (a) A document of 17 pages that had an introduction and then a section made up of four sections (A to D) entitled "Schedule of Materials Before the Employment Tribunal";

    (b) An email chain spanning 4 and 6 June 2026 between the claimant and Capsticks Solicitors;

(c) A soft copy of the respondent's application of 30 June 2026 to strike out her remaining claims;

(d) A soft copy of the Tribunal's trial readiness request letter dated 27 May 2026 interpolated in red with the claimant's comments;

(e) A soft copy of my decision dated 13 October 2026.

13. This is a response to the claimant's application dated 28 October 2026 for a second reconsideration.

## The claimant's grounds for a second reconsideration

14. It is convenient to state the claimant's grounds fully as set out in the email which was her second reconsideration application dated 28 October 2026:

*"Procedural History*

*I note the Tribunal's confirmation that my request for reconsideration was submitted within the time limit prescribed by Rule 69.*

*I respectfully ask the Tribunal to consider the contemporaneous correspondence and chronology of events, including the delayed provision of the hearing bundle, the Respondent's communication concerning a potential strike-out application and costs and the correspondence sent to the Tribunal before and after the Dispute Resolution Appointment of 22 June 2026 and the Final Hearing of 6 July 2026.*

*I also ask the Tribunal to consider the reasons for my absence when determining whether it was fair to proceed with the final hearing in my absence through acts under section 6 (1) (3) and (6) of the Human Rights Act 1998.*

*Grounds of Reconsideration*

*I respectfully submit that these circumstances are relevant to the fairness of proceeding with the final hearing in my absence and to whether reconsideration is necessary in the interests of justice. In particular, I ask the Tribunal to consider whether the delayed provision of the hearing bundle, the Respondent's communications concerning a potential strike-out application and costs, and the correspondence sent to the Tribunal before the final hearing affected the fairness of the proceeding with the final hearing in my absence.*

*Signature Issue*

*I respectfully ask the Tribunal to clarify whether the judgment was properly issued and is legally effective if it was not signed by the judge, or if the judge failed to sign it in accordance with the applicable rules and procedure.*

*If the absence of a signature is a procedural irregularity, I respectfully request that the Tribunal consider whether the judgment should be set aside, revoked or reconsidered and whether any further steps are required to validate it.*

*Remedy Sought*

*I seek the revocation of the judgment and a fresh hearing to the Tribunal's consideration of the applicable rules and evidence."*

15. From the above, it appears to me that the claimant seeks a reconsideration and revocation of both (a) my judgment dated 20 July 2026 and (b) my judgment dated 13 October 2026.

16. The claimant's stated grounds for her second reconsideration application are put by way of questions to the Tribunal. This is not the usual way to express grounds for a reconsideration application. In an effort to be scrupulously fair to the claimant by looking at her application purposively though, It seems to me that the grounds of the claimant's second reconsideration application are in essence that it was unfair for me to proceed to hear and decide the respondent's strike out application on 06 July 2026 without the claimant being in attendance, and that such unfairness stemmed from the contemporaneous correspondence and chronology of events set out in sections A to D of the document accompanying her application, including:

(a) the delayed provision of the hearing bundle;

(b) the respondent's communication concerning a potential strike-out application and costs; and

(c) the correspondence sent to the Tribunal before and after the Dispute Resolution Appointment of 22 June 2026 and the Final Hearing of 6 July 2026.

17. In addition, in her reconsideration application dated 28 October 2026, it seems to me that the claimant is raising a ground that my **decision dated 13 October 2026** was improperly issued and is not legally effective because she purports that it was not signed by me, or that I failed to sign it in accordance with the applicable rules and procedure, and that this constitutes a procedural irregularity. She repeats this allegation in section E of her document accompanying her second reconsideration application, along with other apparent grounds as follows:

(a) That my judgment dated 20 July 2026 makes no reference to the hearing of 06 July 2026 being held with members of the public in attendance;

(b) That my judgment dated 20 July 2026 refers to the matter as "heard" whereas allegedly (i) there are no details disclosed of the CVP link used by me on that

day and/or (ii) there is no evidence that a CVP link was provided in advance to the claimant for that day;

(c) That an Annex was used by me in my reconsideration document dated 13 October 2026 to provide the full reasons for the oral decision of 06 July 2026, in lieu of the 3 separate documents (written summary reasons, full written reasons and reconsideration) requested by the claimant; and

(d) That the delay between 05 August 2026 and 13 October 2026 was manifestly unreasonable.

## The law on reconsideration

18. The relevant law is contained in Part 12 (rules 68 to 71) of the Employment Tribunal Procedure Rules 2024.

19. The general principle is set out in rule 68 as follows:

*"68.—(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.*

*(3) If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so, the Tribunal is not required to come to the same conclusion."*

20. The general principle is, thus, that the Tribunal is not required to reconsider a decision where it is not in the interests of justice to do so.

21. The time limit in rule 69 for making a reconsideration request is 14 days from the date on which the written judgment sought to be reconsidered was sent to the parties. The claimant's first request for a reconsideration was in time. My reconsideration decision was sent to the claimant on 14 October 2026 and her request for a second reconsideration was sent by email on 28 October 2026. Her second request for a reconsideration is therefore in time.

22. Although rule 68 states that the Tribunal may reconsider any judgment where it is necessary in the interests of justice to do so, rule 70(1) says that the "Tribunal must consider" any application for reconsideration made under rule 69. Rule 70(2) then states:

*"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."*

23. My reading is therefore that there is a composite test for reconsiderations, both as to:

(a) Whether under rule 68(1) whether it is in the interests of justice to reconsider a decision; and then if so

(b) Whether (if the initial threshold of the interests of justice is passed), there is a reasonable prospect of the decision being varied or revoked. This includes, unless there are special reasons, where substantially the same application has already been made and refused.

24. My reading of the rules is that the "reasonable prospect" test is not engaged if the "interests of justice" test was not passed.

25. Importantly, the test of whether there is a "reasonable prospect of the judgment being varied or revoked" in rule 70(2) includes whether "unless there are special reasons" "substantially the same application has already been made and refused".

## Application of the law on reconsideration to the claimant's second reconsideration application

26. I deal first with the grounds listed at paragraph 17 above.

The signature on the judgment promulgated on 14 October 2026

27. In my opinion there is no procedural irregularity at all here. The judgment promulgated on 14 October marks clearly that it was sent on 14 October 2026 by the Tribunal Office, and that it had previously been approved by me the day before on 13 October 2026. That formulation (namely, with a signature block having 2 sections, one saying "approved by" and another saying "judgment sent to the parties on") is a standard formulation and does not in any way whatsoever indicate that the judgment that was promulgated was not the judgment that was written by me. The judgment promulgated was the same judgment written by me. The system in place is that the Judge sends a judgment to the Tribunal Administration, and the Tribunal Administration issues it formally on behalf of the Judge. That system was followed and is an entirely proper system. There is to my knowledge no procedural rule in the Employment Tribunal Procedure Rules 2024 which prescribes any different system, or indeed any specified system at all, for the signature of judgments. I can confirm that the judgment promulgated was the same judgment written by me, and that it was promulgated by the Tribunal Administration in the identical terms that I provided it to them save for a different style in the signature box (see paragraph 28 immediately below).

28. What the clamant fails to mention in her grounds was that on 13 October 2026 after I had finished writing the reconsideration decision and at the same time as I sent it to the Tribunal Office for promulgation to the parties, I also sent it from my judicial email to both parties. This is not a usual thing to do but I did it because I was conscious that I was completing my decision later than I had wanted to. My email to the parties expressed this clearly and was clear that I was doing this **as a matter of courtesy** to both parties, so that they knew that I had completed my decision, and that in case of any lapse of time in promulgation they knew I had done it and could chase the Tribunal Office for it. My email was clear that the decision would be **promulgated separately and officially** by the Tribunal Administration. The decision sent by me to the parties had a different style of signature block from the signature block style in the promulgated judgment, with my typed signature (my name in bold italics) and the date 13 October 2026, with a space for "Judgment sent to the parties on" for the Tribunal Office for their signature and date. That style is also a style commonly used. Sometimes the Tribunal Office when promulgating retains that style, and sometimes it does not (using instead the style described at paragraph 27 immediately above). Any such variation is not material and in no way affects the body of the document. Either style is permissible and both styles indicate the same thing: namely, approval by the judge and separate promulgation by the Tribunal Office. There is no procedural defect. The officially promulgated document was in everything but the signature block identical to what I sent in advance to the parties (the latter being in any event just by way of information). Both were valid, both were written by me, but the latter was the official document. If the difference in styles confused the claimant, then I apologise. But there is no procedural irregularity. An officially promulgated judgment need not as a matter of law be signed by the judge him or herself

Delay between 05 August 2026 and 13 October 2026

29. The claimant asserts that the delay in me making my reconsideration decision between 05 August 2026 and 13 October 2026 was manifestly unreasonable. I do accept that it would have been optimal, and better, to have done it sooner. Indeed, I wanted to do it sooner and I apologise for not having done so. The reason for my delay was that I was during that period under heavy workload pressure. In those circumstances, I had to prioritise matters. Whilst of course I did not in any way either directly or indirectly intend to underestimate or disparage the importance to the claimant of her reconsideration application, I had to weigh the priority of **other, ongoing undecided** matters against it given that the claimant had already had an initial determination. I do not think it was wrong of me to prioritise in that way. In addition, the claimant's reconsideration application of 05 August 2026 was, on any **fair and objective** assessment, **difficult to process** because it was 10 pages long, convoluted and complained of many matters going back over the history of the entire case, and the grounds were (with the **greatest of respect to** the claimant who without the assistance of a lawyer no doubt and understandably on a personal level felt she wanted to put all of her strong feelings before me) not expressed in a user-friendly way. In that context, I had to **"disentangle"** the application before being able to answer it, which in the context of my already busy schedule was an additional complicating factor. That is why my reconsideration decision was long,

and very carefully set out so as to demonstrate to the claimant that I had fully analysed her complaint, then understood and answered each and every key point. I was **at great pains** to do this. Whilst I apologise for the delay, my key priority was to answer the complaint conscientiously, carefully, fully and fairly, and in the context of my busy schedule to take the time that I needed to do so by doing full justice and giving full care and attention to the claimant without allowing that time to continue for any substantial time past the 2-month mark that is generally accepted.

30. Albeit I apologise immediately above, I do not accept that, legally speaking in terms of its validity, my delay invalidates my reconsideration decision of 13 October 2026, or anything in that document. For the reasons given immediately above I do not agree that the delay was manifestly unreasonable. In addition, I do not think in the full context of all events that there was any unfairness to the claimant for the following reasons:

(a) The application for strike out had been made in writing to the claimant in advance of the hearing of which she was aware, then repeated at the hearing;

(b) I gave the decision with full reasons at the hearing;

(c) Out of fairness to the claimant who had not attended the hearing, when I gave the written decision, I included all of the same full reasons that had been given at the hearing;

(d) Those reasons were retained by me after the hearing along with an extremely full, almost verbatim note that I had taken at the hearing of the proceedings and of the arguments made by the respondent;

(e) What was included in the written decision dated 20 July was a replica of that verbatim note that I had taken, and a copy and paste of what I had read out by way of decision and reasons at the hearing from my own verbatim note;

(f) Therefore, there can be no question of any lapse of time affecting my recollection in any way. In addition, as I said in my reconsideration decision dated 13 October 2026, the claimant's reconsideration decision of 05 August 2026 engaged with practically none of the reasons I gave in my written decision dated 20 July 2026, and was instead effectively an application on grounds of disagreement with the entire history of the case with which I had not been involved, meaning that my reconsideration decision was done substantially on the basis of written, not oral, grounds.

<u>Lack of reference in my judgment dated 20 July 2026 to the hearing of 06 July 2026 being held with members of the public in attendance</u>

31. To my recollection, the hearing of 20 July 2026 was not held with members of the public in attendance. In attendance were the barrister for the respondent and as I recall 2 people from the respondent's instructing solicitors. From my recollection

there was nobody in the public gallery. Therefore, I see no material defect in the judgment as a **record of events**. Even if there had been members of the public in the gallery, there would have been no resulting defect because a judgment is not obliged to record such public presence, and the hearing was listed as a final, and **public** hearing without any application having been made by any party for the hearing to be held in private.

Reference in my judgment dated 20 July 2026 to the matter as "heard" in the context of a lack of a CVP link having been provided

32. With the **greatest of respect to** the claimant, she misunderstands this. The final hearing on 06 July 2026 was listed as a hearing **"in person"**. This means that it was listed for parties to **attend in person**, not for parties to attend via video link. This is why there was no video link. For that reason, I used no video link. The respondent's representatives were present in person. The claimant did not appear despite efforts made by the Tribunal and the respondent's representatives to contact her, and as I recall with the Tribunal taking care to leave several hours to elapse until midday to allow her to respond. The claimant was aware of the listing and of it being in person, as I understood it. There was no resulting procedural irregularity.

An Annex being used by me in my reconsideration document dated 13 October 2026 to provide the full reasons for the oral decision of 06 July 2026, in lieu of the 3 separate documents (written summary reasons, full written reasons and reconsideration) requested by the claimant

33. There is to my knowledge no rule in the Employment Tribunal Procedure Rules 2024 preventing a consolidation of a response to 2 separate applications in a single document. I did it in that way, in an effort to promote neatness, tidiness, to prevent undue proliferation of documents, and to promote clarity and ease of the record trail. I apologise if the claimant would have preferred me to do otherwise. But I do not agree that there was any procedural irregularity or procedural defect, legally speaking, that in any way vitiates the validity of the document dated 13 October 2026 and promulgated on 14 October 2026.

34. **It follows from my lack of finding of any procedural irregularity in relation to the matters addressed at paragraphs 27 to 33 above, that those grounds raise no reasonable prospect of my decisions of 20 July 2026 and 13 October 2026 being varied or revoked, and neither would it be in the interests of justice to do so. For that reason, the claimant's application for a second reconsideration on those grounds fails and is refused pursuant to rule 70(2) and also for failure to engage the rule 68(1) threshold.**

35. The claimant at the end of section A of the document accompanying her second reconsideration application posed the following question: did my response to the claimant's request for full written reasons, and did my decision of 13 October 2026, comply with the three basic principles guiding judicial conduct such as judicial independence, impartiality and integrity during discharge of judicial duties? I take

this as another purported ground. I content that at all times I did comply with those duties. I see no evidence that shows differently. I follows that I find these to be wholly unsubstantiated allegations. **They therefore raise no reasonable prospect of my decisions of 20 July 2026 and 13 October 2026 being varied or revoked, and neither would it be in the interests of justice to do so. For that reason, the claimant's application for a second reconsideration on that additional ground fails and is refused pursuant to rule 70(2) and also for failure to engage the rule 68(1) threshold.**

The claimant's remaining grounds for her second reconsideration application

36. As I said above, the remaining grounds for the claimant's second reconsideration application are in essence that it was unfair for me to proceed to hear and decide the respondent's strike out application on 06 July 2026 without the claimant being in attendance, and that such unfairness stemmed from the contemporaneous correspondence and chronology of events. Those events, as far as I understand the claimant's application, are set out in sections A to D of the document accompanying her application. That document is 17 pages long. It comprises a list of very, very many (according to the various numberings and sections in the document some 76 by my count) emails and documents (with a description of some but not all of them) which the introduction asks whether I "retained and duly considered" "prior to passing judgment and acceding to the" respondent's application to strike out her case in its entirety. Neither her document nor her accompanying email attaches those actual documents.

37. Dealing first with the documents that the claimant did attach aside from the above-mentioned document of 17 pages and the soft copy of my reconsideration decision dated 12 October 2026:

    (a) There is an email chain showing an email from Capsticks on 04 June 2026 responding to the claimant's queries about not having received the hard copy final hearing documents confirming that physical delivery was attempted twice and nobody was available to accept it, saying that the claimant would therefore need to collect them from the delivery office, and that a mimecast electronic document was sent to the claimant with the same documents on 31 May 2026; and a response from the claimant to the respondent on 06 June 2026 saying *"it is unclear what address was used during the delivery; no evidence exist* [sic] *of the document being delivered except for online references of an attempt* [sic] *delivery using the code below; please share details of the address used for the above postage"*. I **had not seen that email at the time** I made my strike out decision or my reconsideration decision. However, in my judgment this provides no grounds "in the interests of justice" for my 20 July written strike out decision, nor for my 13 October 2026 reconsideration decision, to be reconsidered. There is, further, on the basis of this disclosure, in my judgment no reasonable prospect of those decisions being varied or revoked. This is because there is no evidence that I have seen, to indicate that the difficulty in receiving the bundle was not rectified before 06 July 2026, and in any event even if it had not been rectified by that time, in my judgment that would not

have provided sufficient grounds for the claimant to have refused to appear and participate on 06 July 2026. She could have remedied the situation by appearing in person, as she was required to do, and upon her attendance by the Tribunal making arrangements and suitable directions or orders. In any event it seems from (c) immediately below that this was in relation to parts of the **remedy** bundle which would have been irrelevant to a determination of liability at trial;

(b) There is a soft copy of the respondent's written strike out application of 30 June 2026 following the claimant's non-attendance at the Dispute Resolution Appointment of 22 June 2026. This in my judgment takes the claimant's application no further. I **considered it at the time**. The claimant's disclosure of it shows she was aware of it. The same application was repeated orally by the respondent on 06 July 2026. There is on the basis of this disclosure therefore, in my judgment no reasonable prospect of my decisions of 20 July 2026 and 13 October 2026 being varied or revoked, and neither would it be in the interests of justice to do so;

(c) There is a soft copy of the trial readiness form sent by the Tribunal to parties on 27 May 2026 with the claimant's interpolations by way of response in red type therein. These interpolations confirm that: (i) the case was not settled or withdrawn, (ii) updates to the **remedy** bundle were shared by the claimant with the respondent on 25/05/2026 but there was allegedly no evidence of delivery of the bundle to the claimant's home address and asking for the status of a re-delivery or an electronic copy delivery, and (iii) the claimant's request to vary the date of provision of her witness statement was made known to the respondent on 20/05/2026 and to the Tribunal on 29/05/2026 with the reasons given as failure of the respondent to comply with an order of 16/05/2025 regarding key documents missing from the bundle, and a short time span between an EAT appeal hearing of 22/04/2026 and a case management decision of 29/05/2026. I **did see this document on 06 July 2026** before making my strike out decision but I did not think it material to that decision. This was because, as above, any issues about agreement of the bundle could and should have been remedied by the claimant appearing in person, as she was required to do, and upon her attendance by the Tribunal making arrangements and suitable directions or orders, and in any event it seems this was to do with the remedy bundle which would have been irrelevant to a determination of liability at trial. As to witness statement preparation, failure by the claimant to do this was a material part of my strike out decision in that I saw no reasonable excuse why the claimant could not have taken steps to prepare her witness statement between 27 May 2026 and 06 July 2026. There is on the basis of this disclosure therefore, in my judgment no reasonable prospect of my decisions of 20 July 2026 and 13 October 2026 being varied or revoked, and neither would it be in the interests of justice to do so.

38. For the reasons given in paragraph 37 immediately above, **the documents mentioned therein raise no reasonable prospect of my decisions of 20 July**

**2026 and 13 October 2026 being varied or revoked, and neither would it be in the interests of justice to do so. The claimant's application for a second reconsideration based thereon therefore fails and is refused pursuant to rule 70(2) and also for failure to engage the rule 68(1) threshold.**

39. I turn now to the remaining documents mentioned in sections A to D of the claimant's document accompanying her second reconsideration application. In summary, the document listing the emails and documents that the claimant says are relevant either does not say what the contents of the documents are, or where it does describe contents, describes matters concerning the following:

(a) The termination date of the claimant's employment with the respondent;

(b) That in the claimant's opinion she had raised whistleblowing matters;

(c) The claimant's updated Schedule of Loss;

(d) The claimant's notice of claim;

(e) The respondent's response form issued by the Tribunal on 21/11/2022;

(f) The claimant's application for a default judgment dated 21/12/2022;

(g) Confirmation about which regulators and/or prescribed persons the claimant's claim had been sent to;

(h) The claimant's application for reconsideration dated 12/03/2023 prior to the hearing of her previous case that was heard between 13 and 31 March 2023 by way of final determination. Ths is therefore no part of, and so irrelevant to, any of the decisions I have made;

(i) The deposit order made by EJ Fowell and the claimant having made a cash payment of £200 in respect of the same;

(j) Cancellation of the claimant's home insurance policy;

(k) Alleged procedural improprieties in the form of a letter of instruction by the Tribunal to the claimant and respondent dated 05/11/2025;

(l) An application by the claimant dated 15/01/2026 to invoke the Magna Carta as a defence;

(m) An email dated 21/01/2026 of the Tribunal concerning late acceptance by the Tribunal of the respondent's ET3;

(n) Emails dated 10/02/2023 and 09/03/2025 of the Tribunal directing parties to amend incorrect dates of birth;

(o) Notices dated 29/09/2026 and 29/12/2025 regarding the claimant's standing;

(p) GP letters dated 2, 8 and 9 March 2023 signifying the claimant having experienced stress at work;

(q) Conduct of EJ Siddall before the Dispute Resolution Appointment of 22 June 2026;

(r) An assertion that EJ Siddall made a judgment to strike out the claimant's claim following the Dispute Resolution Appointment of 22 June 2026. For the record and with the **greatest of respect to** the claimant, this is entirely misconceived. In my understanding, EJ Siddall made no strike out judgment. It was EJ Fowell who on 10 December 2026 struck out the claimant's claims under sections 103A and 47B of the Employment Rights Act 1996; and I struck out the remainder of her claims on 06 July 2026;

(s) Applications before EJ Tsamados on 11/11/2020 for strike out. From the date (before the presentation of the ET1 for this claim), this must relate to the claimant's claim that was heard between 13 and 31 March 2023 by way of final determination, and is therefore no part of, and irrelevant to, any of the decisions I have made;

(t) An email from the claimant to the CPS dated 05/11/2025 to "test" her unfair dismissal claim;

(u) documents said to show failures of the respondent for the purposes of section 43B ERA 1996;

(v) The agenda for case management for the preliminary case management hearing of 10/12/2024;

(w) An allegation that EJ Fowell caused "inordinate delay" in determining a reconsideration application in December 2024;

(x) An email dated 05/11/2025 of EJ Ramsden said to display apparent bias;

(y) Supporting evidence for whistleblowing detriment;

(z) Delayed acceptance of the claimant's ET1 form on 16/11/2022;

(aa) The respondent's response being out of time;

(bb) An email from the claimant dated 28 January 2026 objecting to the Tribunal's acceptance of the respondent's out of time ET3 response;

(cc) Alleged “manipulative tactics” of the respondent, and procedural improprieties and “mind games”, said to have been brought to the Tribunal’s attention prior to the 10/12/2024 preliminary case management hearing;

(dd) A summary of directions at paragraph 35 of the record of the preliminary hearing of 10/12/2024, said to be an “abuse of legal process”;

(ee) Allegations of “contempt of court / coercive control” said to arise from disclosures of 28 March 2025 which are said to have been “denied by the respondent” during a request for the agreed bundle, and resulting “silent treatment” in the form of alleged “failure to respond to correspondence” of 14 May 2025 from the claimant;

(ff) The proposal dated 17 September 2025 by the respondent of a “separate remedy bundle available” which the claimant alleges constitutes “intellectual dishonesty and coercive control”;

(gg) Delayed service by the respondent of the final hearing bundles, said by the claimant to have been “received by special mail on 20 September 2025”;

(hh) Being allegedly “pressured into agreeing a remedy bundle by 12 December 2025”;

(ii) Allegations of “third party harassment: group mobbing by the respondent’s legal representatives during case management procedures” and these allegedly having been reported to the Tribunal;

(jj) Disclosure of hearing bundles for case 2300003/2020 on 27 October 2020. This relates to the claimant’s claim that was heard between 13 and 31 March 2023 by way of final determination, and is therefore no part of, and irrelevant to, any of the decisions I have made;

(kk) An application by the claimant to amend her claim on 10 August 2022 and EJ Wright’s response thereto on 27 October 2022. This relates to the claimant’s claim that was heard between 13 and 31 March 2023 by way of final determination, and is therefore no part of, and irrelevant to, any of the decisions I have made;

(ll) An allegation of a contempt of court allegedly committed on 21 December 2022;

(mm) An application for a further preliminary hearing being refused by EJ Webster on 08 March 2023. From the date, this appears to relate to the claimant’s previous claim that was heard between 13 and 31 March 2023 by way of final determination and is therefore no part of, and irrelevant to, any of the decisions I have made;

(nn) An order for housing possession made against the claimant on 05 December 2023 by the Bromley County Court;

(oo) An email from the claimant to the Tribunal and the respondents with the following enclosures: (i) an email requesting further and better particulars dated 31 January 2022; (ii) an email dated 16 February 2022; (iii) emails dated 07 January 2026 and 29 December 2025; (iv) an email dated 02 July 2026; (v) an email dated 28 January 2026. By their date (before the presentation of the claim which is the subject of my decisions) the first two must relate to the claimant's claim that was heard between 13 and 31 March 2023 by way of final determination, and are therefore no part of, and irrelevant to, any of the decisions I have made. The remaining do not specify any content;

(pp) An incorrect claim number being used by the respondent being complained about by the claimant on 05 November 2020 and the respondent's application dated 30 October 2020 for an extension of time to present a late response. By their date (before the presentation of the claim which is the subject of my decisions) the first two must relate to the claimant's claim that was heard between 13 and 31 March 2023 by way of final determination, and are therefore no part of, and irrelevant to, any of the decisions I have made;

(qq) Emails in 2021 and 2022 to the respondent about preservation of documents and a SAR request;

(rr) The claimant's formal complaint against the respondent, her employer, dated 09/09/2022;

(ss) The claimant's second grievance against the respondent, her employer, dated 30/09/2022;

(tt) What the claimant describes as "deficiencies in the preparation of the bundle" complained about on 18/01/2023. From the date, it appears that this must relate to the claimant's claim that was heard between 13 and 31 March 2023 by way of final determination, and are therefore no part of, and irrelevant to, any of the decisions I have made.

40. Although I did not at the time of my decisions of 20 July 2026 and 13 October 2026 view the emails and documents referred to in paragraph 39 above, nor did I review the emails and documents informing the matters listed in paragraph 39 above (aside from what was in the trial bundle provided to me by the respondent on 06 July 2026 which I did review), I did not in my opinion need to. My decision of 20 July 2026 was made on the basis of:

(a) the respondent's oral and written strike out application;

(b) the claimant's written response thereto which was contained in her email dated 02 July 2026 as summarised in my decision of 13 October 2026; and

(c) the trial bundle provided to me by the respondent on 06 July 2026 which included a full account of the relevant prior history.

41. Accordingly, in my view there is no procedural impropriety in my not having reviewed prior to my decisions of 20 July 2026 and 13 October 2026 the documents referred to in the claimant's sections A to D of the document accompanying her second reconsideration application. I had sufficient information without those documents to come justifiably and rationally to the conclusions to which I came in both decisions. What has been described in the claimant's document accompanying her second reconsideration application in my judgment does not provide any reason to change those conclusions. On that basis, if the claimant is suggesting that reconsideration is necessary in the interests of justice simply because I did not review each and every document mentioned in her sections A to D, I reject that application. In my opinion, **failure to review the documents mentioned therein raises no reasonable prospect of my decisions of 20 July 2026 and 13 October 2026 being varied or revoked, and neither would it be in the interests of justice to do so. The claimant's application for a second reconsideration based on me not having previously considered those documents therefore fails and is refused pursuant to rule 70(2) and also for failure to engage the rule 68(1) threshold**.

42. All of the matters referenced in paragraph 39 immediately above amount to a wholesale complaint about the entire conduct of the claimant's entire case from start to finish. They include complaints about a previous case brought by the claimant which is not the subject of the decisions I have made. They include references to a decision (the county court for a housing matter) in a jurisdiction that is not the Employment Tribunal. They also include assertions impugning just about every decision of every judge that has ever made a decision in either that previous case or the case relating to the decisions that I have made.

43. What I have described in paragraph 42 immediately above aligns exactly with what I said in paragraph 47 of my reconsideration decision dated 13 October 2026 concerning the claimant's first reconsideration application. In relying now on the events that the documents at her sections A to D of the document accompanying her second reconsideration application describe, she is doing exactly the same as what she did in her first reconsideration application. The underlying reason she gives now in relation to the documents described in her sections A to D, namely that they in her opinion justified a refusal to appear on 06 July 2026 and to engage on that date with the Tribunal process, is exactly the same reason as she gave in her first reconsideration application as summarised in paragraph 48 of my decision of 13 October 2026.

44. Furthermore, amongst the events referred to in her sections A to D of her second reconsideration application are the exact same matters referred to in paragraph 54 of my reconsideration decision of 13 October 2026.

45. Accordingly, the part of rule 70(2) which says a Tribunal must refuse a reconsideration application if **"substantially the same application has already been made and refused"** is engaged. I can see no "special reasons" for derogating from that rule. Accordingly, **the remainder of the claimant's second reconsideration application that has not already been refused above, fails and is refused pursuant to rule 70(2) because substantially the same application has already been made and refused**. The reasons given at paragraphs 47 to 60 of my reconsideration decision dated 13 October 2026 apply equally, in the same way and with the same force and application to the matters and documents raised at sections A to D of the document accompanying the claimant's second reconsideration application.

***M Da Costa***

**Employment Judge M Da Costa**
**02 November 2026**

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