Case Number: 6022924/2025

EMPLOYMENT TRIBUNALS

Claimant: **Ali Mejri**

Respondent: **HVL solutions Limited**

JUDGMENT

The claimant's application dated 8 June 2026 for reconsideration of the judgment sent to the parties on 5 June 2026 is refused.

REASONS

1. I wish to apologise to the claimant for the time it has taken for me to issue this judgment. The delay has been caused by HMCTS administrative staff not bringing the matter to my attention until 3 November 2026. As soon as I was made aware, I commenced work on this judgment at the earliest opportunity. I now turn to my reasons in respect of this matter.

2. This is the preliminary consideration of the claimant's application for reconsideration of the judgment sent to the parties on 5 June 2026. That judgment determined that the claimant's claim was struck out.

3. The claim was stuck out following the claimant being issued with a strike out warning on 25 February 2026 due to his non-attendance at the preliminary hearing of that same date. The strike out warning stated, *"Employment Judge McTigue is considering striking out the claim. It appears a fair hearing is no longer possible because it has not been actively pursued. If you wish to object to this proposal, you must write to the Tribunal within 7 days of the date these Orders are sent to the parties, giving your reasons or requesting a hearing at which you can give them."* The claimant was also directed to provide an explanation for his non-attendance at the preliminary hearing.

4. The claimant's application was made by means of an email dated 8 June 2026.

5. Such an application falls to be considered under Rules 68 to 70. Rule 69 provides that an application for reconsideration must be made within 14 days of the date on which the written record (or, if later, the written reasons) were sent to the parties. Here, the claimant's application was received within the relevant time limit.

6. By rule 68, the Tribunal may reconsider any judgment where it is necessary in the interests of justice to do so and, if it decides to do so, may vary, revoke or confirm the

original decision. There is single threshold for making an application. That is that reconsideration is necessary in the interests of justice. There must therefore be something about the nature of how the decision was reached, either substantively or procedurally, from which the interests of justice would be offended if the original decision was allowed to stand.

7. By rule 70 I am to give an initial consideration to the prospects of the application determining whether it is necessary to seek the views of the respondent and whether the matter can be dealt with on paper or at a further hearing before the same tribunal. Where the application can be said to carry no reasonable prospects of being varied or revoked, the rules dictate that I shall refuse the application without being required to consider the matter further.

8. Rule 70 gives the Tribunal a broad discretion to determine whether reconsideration of a decision is appropriate. Guidance for Tribunals on how to approach applications for reconsideration was given by Simler P in the case of **Liddington v 2Gether NHS Foundation Trust UKEAT/0002/16/DA**. Paragraphs 34 and 35 provide as follows:

> *"34. […] 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.*
>
> *35. Where […] a matter has been fully ventilated and properly argued, and in the absence of any identifiable administrative error or event occurring after the hearing that requires a reconsideration in the interests of justice, any asserted error of law is to be corrected on appeal and not through the back door by way of a reconsideration application."*

9. The application for reconsideration is made on the basis that:

   9.1. I disregarded an email sent by the Tribunal confirming that a telephone appointment had been scheduled for 26 February 2026 and not 25 February 2026.

   9.2. The claimant was not provided the opportunity to fully explain the reasons for his non-attendance.

   9.3. The claimant states he was in custody at the time of the preliminary hearing on 25 February and so did not have access to his mobile phone. He also states that he was only released from custody shortly after 12:00 pm on 25 February 2026.

10. Dealing with those points in turn:

    10.1. The claimant relies on an email sent to him by a member of HMCTS administration staff on 18 February 2026 which stated, *"Employment Judge V Butler reviewed the claim at ET3 stage and asked for a copy of the Claimant's Application to amend the claim to be sent to the Respondent. The telephone hearing listed for 26/02/2026 will discuss matters relating to the claim. The application email is attached."*

    That email however was not the formal notice of hearing. The formal notice of

hearing was sent to the claimant on 5 September 2025 and clearly informed him that the preliminary hearing would take place on 25 February 2026.

The claimant also received emails from the Tribunal informing him that a preliminary hearing would take place on 25 February 2026 on two separate occasions on 18 February 2026.

In addition, upon receipt of the email that he relies on, he did not contact the Tribunal to query whether there had been any change to the date of the preliminary hearing. He has only later raised this email to seek to justify his non-attendance at the preliminary hearing. I am therefore satisfied that the claimant was aware of the correct date of the preliminary hearing.

10.2. The strike out warning sent to the claimant on 25 February 2026 provided the claimant with 7 days to respond and explain the reason for his non-attendance. I conclude that period to be a sufficient amount of time to respond given the circumstances. No limit was placed upon the length of any response which the claimant might have wished to give or on any evidence in support which he might wish to supply. In addition, the claimant was informed that he could request a hearing to provide his reasons should he wish. He chose not to do so. It is consequently not correct for the claimant to say that he was not provided the opportunity to fully explain the reasons for his non-attendance.

10.3. After the claimant failed to attend the preliminary hearing, he initially sought to explain his absence through the inability to access his mobile phone. So, on 25 February 2026 at 2.43pm he emailed the Tribunal in the following terms, "*Dear Judge, I do apologise for the inconvenience, since yesterday I don't hv* [sic] *a mobile phone, Kind regards*".

The claimant has now sought to explain his absence by saying that he was in police custody at the time of the preliminary hearing. This was not an explanation that was provided at the material time i.e. during the 7 days following the issuing of the strike out warning. The claimant has also failed to provide any reasons as to why that reason was not provided at the material time.

11. Taking all the above into account and having carefully considered the claimant's application and, bearing in mind the importance of finality in litigation and the interests of both parties, I am not satisfied that there is any reasonable prospect of the judgment being varied or revoked. The application for reconsideration is therefore refused.

Date: 11 November 2026

Approved by

Employment Judge McTigue

JUDGMENT SENT TO THE PARTIES ON

13/11/2026

J. Woolley
FOR THE TRIBUNAL OFFICE