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EMPLOYMENT TRIBUNALS

Claimant: Mr H Mahmoud Ali

Respondent: STM Group (UK) Limited

BEFORE: Employment Judge Martin

JUDGMENT ON RECONSIDERATION

The Judgment of the Tribunal is that the Claimant's application for a reconsideration of the Judgment dated 9 October 2019 is refused. The Judgment dated 9 October 2019 is hereby confirmed.

REASONS

1 On 4 November 2019 the Claimant sent an email to the Tribunal raising matters relating to the Judgement. He sent further emails on 13, 22 and 27 November 2019. On 18 January 2020, the Tribunal informed the parties that it would treat that correspondence from the claimant as an application for reconsideration of the Judgment sent to the parties on 9 October 2019. The claimant subsequently confirmed that he wished the Tribunal to treat that correspondence as an application for reconsideration of the Judgement. He sent three further emails to the Tribunal: two dated 20 January 2020 and a further one on 22 January 2020. The Respondent sent an email opposing the application for reconsideration on 21 January 2020. Although the application for re-consideration was made late the Tribunal decided to consider the application.

2 The Tribunal considered Rules 70 – 72 of Schedule of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013; all the correspondence from the Claimant and the Respondent's response.

3 The Tribunal determined that it could deal with the application without a hearing.

4 The Tribunal considered that the Claimant is simply requesting the Tribunal to reconsider evidence already heard by the Tribunal and upon which the Tribunal had already made findings of fact. It is merely an attempt to re-litigate a matter that had already been decided by this Tribunal, effectively in essence an appeal against the Judgment of the Tribunal and not a request for reconsideration.

5 The claimant refers to other evidence. The Claimant is not prevented from relying on that evidence at the further open public preliminary hearing or the full Hearing of the case. That evidence is not relevant to any issues determined in the Judgement dated 9 October 2019. In any event, the leading case of *Ladd v Marshall [1954] EWCA CIV1*, sets out the guidelines for the introduction of any new evidence, in particular that it must be shown that the new evidence could not have been obtained without reasonable diligence for use at the trial and the circumstances when granting leave to adduce new evidence must be very rare. This other evidence clearly could have been obtained before the preliminary hearing which was determined by the Judgement dated 9 October 2019.

6 The Tribunal would like to clarify that there was no other correspondence, either sent to or received from the respondent to the Tribunal ,or vice versa, other than that referred to in the Judgement. It appears from the Tribunal file that the agenda sent in by the respondent to the Tribunal was not copied at the time to the claimant, but that it is not relevant to the issues determined in the Judgment.

7 In considering any application for reconsideration, the Tribunal has to take into account the interests of both parties. It is in the interests of justice and the public interest that there should be, so far as possible, finality in any litigation, and cases should not reconsidered, as this application is seeking to do, by asking for a reconsideration of evidence upon which findings of fact have already been determined.

8 For those reasons the Claimant's application for a reconsideration of the Judgment dated 9 October 2019 is dismissed.

Employment Judge Martin

Date: 27 January 2020