



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs S Bi

**Respondent:** Santander UK Plc

## APPLICATION FOR A RECONSIDERATION OF THE JUDGMENT OF 31<sup>st</sup> MAY 2017.

### UNDER RULE 71 OF EMPLOYMENT TRIBUNALS RULES OF PROCEDURE REGULATIONS 2013

## JUDGMENT

1. The Claimant's application dated 13<sup>th</sup> and 22<sup>nd</sup> June 2017 for reconsideration of the Judgment sent to the parties on 31<sup>st</sup> May 2017 is refused, pursuant to rule 72(1).

## REASONS

1. There is no reasonable prospect of the original decision being varied or revoked, because:-
  - (1) From the Claimant's correspondence to the Tribunal of 13<sup>th</sup> June and 22<sup>nd</sup> June 2017, the Employment Judge understands that the Claimant asks the Tribunal to reconsider the Costs Order but not the decision to Strike Out her claim. The Employment Judge has also read the Respondent's comments on the application.
  - (2) The Reasons (paragraph 3) do not say that the Respondent spoke to the Claimant the day before the hearing. It is stated

that 'before today' the Respondent spoke to the Claimant and that she was aware of the hearing date. The Claimant does not state that she was not aware of the hearing. She clearly was. She did not seek a postponement of it. There is no application for a change of venue on the Tribunal file, on medical grounds or otherwise.

- (3) The Claimant does not dispute that the Respondent sent costs warning letters to her. She does not say that she sought to withdraw her claim ahead of the hearing of 31<sup>st</sup> May 2017, and the Respondent said that she did not. The Application contains an apology and an excuse on the basis of family bereavement, but with no details of when that was.
- (4) The Respondent asserts that the Claimant left a message, a voicemail for Mr Hamblin (of ACAS) on 10<sup>th</sup> May 2017, that she had received notification of the Preliminary Hearing date and that she did not wish to withdraw her claim as the Preliminary Hearing 'was not going to cost her anything to attend'. It is also the case that the Tribunal notified the Claimant on 5<sup>th</sup> May 2017 that the merits hearing on 31<sup>st</sup> May 2017 had been converted to a Preliminary Hearing for which no fee was payable. If all that is so, then this indicates a cavalier attitude displayed by the Claimant to the Respondent's position, that position being that it would cost them to attend the Preliminary Hearing.

- 2. In all the circumstances, therefore, the Claimant's application for reconsideration of the Costs Order has no reasonable prospects of leading to the original decision being varied or revoked.

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Employment Judge G P Sigsworth  
14 August 17

ORDER SENT TO THE PARTIES ON

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FOR THE SECRETARY TO THE TRIBUNALS