



EMPLOYMENT TRIBUNALS

Claimant: Ms H Prinsloo
Respondent: NC Blackwell and HE Dorling T/A NFU Mutual
BEFORE: Employment Judge G P Sigsworth

COSTS JUDGMENT

1. The Claimant's application for costs is refused.

REASONS

1. This decision was made on the basis of the written representations of the parties.
2. By emails dated 21st June, 26th July and 27th July 2017, the Claimant made an application for legal costs in respect of her preparation for the hearing in the sum of £1,790.40. Invoices from the Claimant's solicitors indicate that they carried out work for the Claimant in respect of this case between July and November 2016. By emails dated 22nd June, 26th July and 27th July 2017, the Respondent objected to the Claimant's application.
3. The Claimant's first ground of her application is under rule 76(2) of the Employment Tribunals Rules of Procedure 2013, and the basis for it is that the Respondent defaulted on settlement in breach of the Tribunal's Judgment in her favour, sent to the parties on 12th June 2017. The Claimant argues that the date for payment was 26th June 2017 and payment was not received until 29th June 2017.
4. The ground for this costs application is not made out. First, no date by which payment was to be made was specified in the Judgment. Second, the Respondent has paid the Judgment sum due. Third, no legal costs

were or would have been incurred by the Claimant in securing such payment.

5. The Claimant's second ground for her application is under rule 76(1), and the basis for it is that the Claimant had to re-send documents, the Respondent did not include all the Claimant's documents within the hearing bundle, the Respondent's solicitor expresses his dissatisfaction on the telephone to the Claimant, and the Respondent tried twice to have the case struck out for spurious reasons but withdrew those applications.
6. The Respondent denies all of these complaints about their behaviour. The Claimant has not provided any contemporaneous correspondence or other evidence in support, and has not linked the matters complained of to any legal costs incurred. This ground for the costs application is therefore also not made out.
7. Although the Respondent was found to have unfairly dismissed the Claimant, the Claimant was found to be 50% to blame for her dismissal. In the circumstances, the Respondent was entitled to defend the proceedings, and take the matter to a hearing where it could be determined on the evidence. The response cannot be said to have no reasonable prospect of success.
8. The costs incurred by the Claimant are not linked in any way to the Respondent's undertaking in respect of a reference, which was only given at the hearing. In any event, the Respondent gave no undertaking to send a copy of such reference to the Claimant. Such a reference would be sent direct to any prospective employer, in the usual way.

Employment Judge G P Sigsworth

JUDGMENT SENT TO THE PARTIES ON

.....24 November 2017.....

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FOR THE SECRETARY TO THE TRIBUNALS