



EMPLOYMENT TRIBUNALS

Claimant: Ms V A Sarpeh
Respondent: London Borough of Hackney
Before: Employment Judge O'Brien

JUDGMENT

The Claimant's application dated 13 October 2017 for reconsideration of the judgment sent to the parties on 2 October 2017 is refused.

REASONS

1 By email dated 13 October 2017, the Claimant submitted an application for reconsideration of the judgment sent to the parties on 2 October 2017 pursuant to rule 71 of the Employment Tribunal Rules of Procedure 2013.

2 The application was presented within 14 days of the written record of judgment having been sent to the parties and was copied to the Respondent.

3 In her application, the Claimant asks the Tribunal to reconsider the costs order made at the conclusion of her unsuccessful claim under the Equality Act 2010.

4 The costs order was made on the grounds that the Tribunal considered the Claimant to have acted unreasonably in exaggerating a key element of parts of her claim: the effect of her asthma in the period October/November 2016. The Tribunal took into account the Claimant's means and made an order for £1,200 to be paid within 42 days.

5 The Claimant asks the Tribunal to reconsider its order on the grounds that her financial circumstances have changed, in that she has no longer been employed by the Respondent since 8 September 2017. The Respondent objects to the order being reconsidered on the grounds that the Claimant had indicated at the close of the hearing (5 September) that she intended to return to work and that she had then submitted her resignation on 8 September.

6 The Claimant had the opportunity at the hearing to indicate whether her financial circumstances were likely to change but did not. The change in the Claimant's

financial circumstances were entirely of her own making. Moreover, the decision to resign was made in the knowledge that a costs order had been made against her and that it had been made having regard to her financial circumstances. In any event, the Tribunal was entitled but not obliged to have regard to the Claimant's ability to pay when deciding whether to make a costs order and, if so, in what amount (per rule 84).

7 It would not be in the interests of justice to reduce or revoke a costs order in the circumstances. The application is therefore refused on the grounds that there are no reasonable prospects of the order being varied or revoked.

Employment Judge O'Brien

23 November 2017