



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr F Fonche  
**Respondent:** Sir Charles Kao University Technical College  
**Date:** 25 July 2018

## JUDGMENT

1. The claimant's application under Rule 71 of the Employment Tribunals Rules of Procedure 2013, dated **8 May 2018 & 27 June 2018**, for reconsideration of the judgment sent to the parties on **4 June 2018**, is refused under Rule 72(1).

There is no reasonable prospect of the original decision being varied or revoked.

2. The respondent's application dated 18 June 2018 for the claimant's complaint of unlawful deductions from pay to be struck out is refused. It remains listed for a 2-day hearing on **13-14 September 2018**, before a judge other than Employment Judge Prichard, who has recused himself

## REASONS

1. Employment Judge Prichard, by letter of 13 June 2018 sought any comments from the respondent on the claimant's reconsideration application, and they responded with brief comments by letter of 18 June, which also contained the application mentioned above which is refused.

2. If they feel sufficiently strongly about the matter, mention of costs might be a more appropriate course for them.

3. The point about the judge's comments was that the judge recused himself from that hearing, as he realised he was giving provisional indications on the prospects of success on evidential points which another judge might disagree with.

The Reconsideration Application

4. This is nothing more than an attempt by the claimant to re-argue his case.
5. By a preliminary hearing record from Judge Goodrich sent to the parties the hearing on 18 April 2018 was listed for that date to consider strike out and / or deposit of any of the claimant's claims. The notice of hearing dated 14 February 2018 cross referred to the same Goodrich order.
6. The explanatory notes on deposit orders, attached for information to the tribunal's later letter of 6 March 2018 did not, and could not, have, impliedly reduced the scope of the preliminary hearing deposit only. The claimant's contention that I did not have the power to strike out claims is simply wrong.
7. I did indeed comment that the claimant's representative Mr Aniyam was ill-prepared. That was not the reason I struck out certain claims as is plain from the judgment. It was a judgment made on the material put before me on that day, of which Mr Aniyam should have had good notice.
8. Oak Legal came on the record on 26 February, after the Goodrich order and the notice of hearing for the preliminary hearing. The claimant should have let him see these important tribunal documents. It is not the tribunal's fault if he did not. They make the agenda very clear.
9. I note Oak Legal have now ceased to act and the claimant is once more acting in person.
10. The claims stand struck out other than the unlawful deductions from pay claim.

Employment Judge Prichard

25/07/2018