



EMPLOYMENT TRIBUNALS

Claimant Mr T Jordansen

Respondent: Check4cancer Ltd

JUDGMENT

The claimant's application dated 17 May 2018 for reconsideration of the judgment sent to the parties on 16 May 2018 is refused.

REASONS

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

1. A Judgment on the Respondent's costs application was sent to the parties with reasons on the 16 May 2018. It referred in paragraph 20 to a letter having been sent by the Employment Tribunal to the Claimant dated the 16 April 2018 giving him an opportunity to provide evidence as to his means to which the Judge believed there had been no reply.
2. By letter of the 17 May 2018 the Claimant advised that there appeared to have been 'an administrative error' as he had replied on the 29 April 2018 and received an automated response. He attached copies and asked that the Tribunal 'review' and 'arrive at a different verdict on the Cost Application'. This was seen by the Judge on the 7 June 2018 when she directed that the Claimant be asked to confirm he was seeking a reconsideration. That instruction was sent in a letter to the Claimant of the 30 June 2018. The Claimant replied on the 2 July repeating he had sent a letter on the 1 May and enclosing a further copy. This correspondence has been treated as an application for Reconsideration within Rule 71-72. The letter of the 2 July was not referred to the Judge until the 8 August 2018.
3. The Judge considers that there is no reasonable prospect of the original decision being varied or revoked and the application for reconsideration is refused.

4. Rule 84 states that the Tribunal 'may have regard to the paying party's ability to pay'. In his letter of the 29 April 2018 the Claimant listed the following debts:

HMRC - £17,027.05 in relation to Mededis Ltd his service company

American Express - £4,463.02

Barclaycard - £8,287

HSBC overdraft - £4,900.77

5. He explained that his mother had supported his family following the termination of his employment in the sum of £33,480. His mother sadly died on 10 February 2018 and her house is on the market for sale. The Claimant hopes that his part of the inheritance will eliminate his debt to his brothers. His legal expenses had been settled out of saving and sale of assets.
6. The Claimant further set out how he had borrowed £33,000 from his in laws in May 2010 to invest in the Respondent.
7. The Claimant is now based in the Netherlands and receives a net salary of 9,250 Euros. He lists household expenditure which, as the Respondent points out, totals exactly what he earns. This is said to be as follows:

Rent	2,100
Electricity, water and gas	500
Cars and related expenses (not defined)	2050
Compulsory health and other insurances	450
Community taxes	500
Food	2000
Various (credit cards, tax and UK overdraft, clothes, Gym, mobile phone, hairdresser, holiday, WiFi, support 2 children through university)	1650

8. In a letter of the 30 April 2018 the Respondent's solicitors provided their comments on this disclosure. They stated that the Claimant was in gainful employment earning a good wage and that his outgoings 'seem somewhat lavish for someone with the debt that he says he has'. It was to 'neat' and 'convenient' that the outgoings add up to exactly his net pay. He is also likely to inherit from the sale of his late mother's property. They also submit that the Claimant must have had income from his company Mededis to have that tax liability. That income has not been disclosed.

9. The Tribunal had already noted in paragraph 20 of its reasons on costs that the Claimant in his remedy statement had referred to work for Glycostem but on an expenses only basis. That is now the entity he is employed by as evidenced by the pay slip now disclosed.

Conclusions

10. The Tribunal is satisfied that there is no reasonable prospects of the decision on costs being varied or revoked and the application for reconsideration is refused. The Claimant has significant means even though he also has significant debts. His income from his company Mededis to incur a tax liability of £17,027.05 has not been disclosed.
11. It is not for this Tribunal to determine how its award will be paid. If arrangements cannot be agreed with the Respondent that will be a matter for the parties or the County Court should the Respondent seek enforcement.
12. Having considered the information with regard to means that has been provided the Tribunal sees no reason to change its order made which was in any event not the entirety of the costs incurred by the Respondent.

Employment Judge Laidler
22 August 2018

Date:

JUDGMENT SENT TO THE PARTIES ON
4 September 2018

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FOR THE TRIBUNAL OFFICE