



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr Seewoosunkur Gopaul**

**v West Hertfordshire Hospitals NHS Trust**

**Heard at:** Watford

**On:** 9 October 2018

**Before:** Employment Judge Henry

**Members:** Mrs G Bhatt, MBE

Mr R Jewell

**Appearances:**

**For the Claimant:** Written submissions

**For the Respondent:** Written submissions

## JUDGMENT ON RECONSIDERATION

1. Upon the claimant's application made by letter dated 13 May 2018, to reconsider the Judgment on costs sent to the parties on the 3 May 2018, under Rule 71 of the Employment Tribunal Rules of Procedure 2013, the Judgment is confirmed.

## REASONS

1. By the claimant's application for reconsideration and submissions furnished to the Tribunal, it is ostensibly that, being unwell, he had been unable to fully engage with the Tribunal process in respect of the respondent's cost application, and that his circumstance since the hearing as to means had materially changed, such that he is not now in a financial position to meet the costs awarded.
2. By the case presented to the Tribunal by the claimant for reconsideration, save for the claimant stating that he was unable to fully engage in the costs application process, albeit that the parties had requested that the hearing be conducted on written submissions, the claimant has not stated that the information then before the Tribunal and on which the tribunal made its determination, was in any material particular wrong, save that the claimant had not furnished particulars of his financials.
3. The claimant has again failed to furnish any particulars of his finances, as would have been relevant at the material time that the Tribunal made its

determination, and of which the Tribunal would then have taken into account.

4. On the Tribunal's reason for awarding costs against the claimant not being challenged by the claimant's submissions, which reasons the Tribunal here restates, the Tribunal finds no basis upon which to reconsider its determination to award costs to the respondent.
5. On the claimant advancing his current inability to meet the award of costs, without presenting evidence to challenge the basis upon which the initial award of costs were quantified, the circumstance as understood by the Tribunal at the material time being unchallenged on the claimant furnishing no evidence as to his ability to pay the award, as at the date of the hearing on costs, being the 23 March 2018, the Tribunal finds no basis upon which to vary the amount of the award.
6. The claimant's current inability to meet the award for costs is not a factor for this Tribunal's determination on a reconsideration of its judgment, where the facts on which the award for costs were made are unchallenged. Should the claimant experience difficulty in meeting payment, this may be a fact to be taken into account on enforcement, for which instalment arrangements maybe appropriate, but this is not a basis upon which to set aside or otherwise vary the Tribunal's judgment.
7. The Tribunal's judgment on costs is confirmed.

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Employment Judge Henry

Date: ...26.10.18.....

Sent to the parties on: .....

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For the Tribunal Office