



EMPLOYMENT TRIBUNALS

Claimant: Mr A Hussain

Respondent: The Co-operative Group Ltd

JUDGMENT

The claimant's application dated 22 March 2018 for reconsideration of the judgment sent to the parties on 9 March 2018 is refused.

REASONS

1. Employment Judge Cocks, at a hearing on 23 February 2018, struck out the claims of direct race and disability discrimination relating to the period 10 May 2016 to 30 March 2017 on the grounds that they had no reasonable prospects of success. A judgment was issued on 9 March 2018. Employment Judge Cocks also ordered that a deposit be paid as a condition of continuing with the claims of failure to make reasonable adjustments and discrimination arising from disability for the period 10 May 2016 to 30 March 2017. The Order and reasons for that were issued also on 9 March 2018.
2. By emails dated 22 March 2018 Dr R Ibakakombo notified the Tribunal that he was now instructed to act for the claimant and requested the Tribunal 'vary or review' the strike out decisions on the basis that the claimant did not understand the reasons.
3. Employment Judge Cocks has been on long term absence from the Tribunal since April 2018. In her absence, and in accordance with the provisions of Rule 72(3) I have appointed myself to consider the application for a reconsideration as it is not practicable for her to consider it. I apologise to the parties for the long delay that there has been in dealing with this application which was unfortunately overlooked until the appeal was lodged.
4. I have considered the application but conclude that there is no reasonable prospect of the original decision being varied or revoked, because the Claimant has provided no convincing grounds for reconsideration. The application is therefore refused.

Further matters

1. There has been some confusion in relation to what if any claims are still outstanding. The Tribunal has had confirmation that the claimant did pay the deposit ordered and therefore the complaints of failure to make reasonable adjustments and discrimination arising from disability are still live.
2. Employment Judge Cocks reserved judgment in respect of whether certain complaints were out of time – because of her absence that judgment, and reasons for it were not issued until 11 October 2018 when I signed them in her absence reasons. That determined that complaints of direct race discrimination and direct disability discrimination for the period June/July 2015- 9 May 2016 were out of time and could not therefore proceed.
3. On review of the file It appears that no reasons have been issued for the strike out judgment – there is a draft on the file which has not been faired by Employment Judge Cocks. These will be checked and edited by me and issued to the parties as soon as possible.

Regional Employment Judge Monk

12 February 2019