



EMPLOYMENT TRIBUNALS

Claimant: Mr C Rogers

Respondent: Easysoft Limited

JUDGMENT

The claimant's application dated 18 January 2019 for reconsideration of the Judgment sent to the parties on 18 January 2019 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because it is not necessary in the interests of justice to do so. The Judgment was issued because of the claimant's failure to pay a deposit by 21 December 2018 as a condition of being permitted to continue to advance his complaint of direct discrimination because of perceived disability, the only claim remaining in these proceedings.

The deposit was not paid by that date. The claimant had not notified the tribunal of any difficulties in making payment until that date stating that he would raise and send a postal order for the deposit the following morning, having discovered that payment online was not possible. No application was made for a variation of the deposit order. No deposit was in fact subsequently received such that by Judgment of 9 January 2019 the claim was struck out.

Upon receipt of that Judgment, the claimant applied for a reconsideration of it stating that he had attempted to make a payment online on 20 December 2018 without success. He said that he had raised a postal order for the payment that day (18 January 2019) which would be put in the post as soon as he left work that day and attached a copy of the postal order which he said was being sent. This was not readily readable but appeared not to be in the amount of the deposit ordered to be paid.

Again, no payment has in fact since been received.

The notes accompanying the deposit order make it very clear that there are limitations on how the deposit can be paid. The claimant had every opportunity to

Case No: 1805041/2018

make payment following the deposit order being made on 3 December. The claimant was thereafter in communication with the tribunal regarding the contents of a schedule of loss. The claimant has said that he had significant domestic difficulties over the Christmas and New Year period but, in circumstances where he also states that he was working during this period, no basis is made out for the claimant having been prevented from making the payment.

The interests of justice must be considered from both sides. The claimant has been given every opportunity to pursue a claim which has (it has been determined) little reasonable prospect of success. He has lost the opportunity to pursue such claim. On the other hand, if the tribunal's Judgment were to be revoked, the respondent might be put to significant costs in defending a claim which has little reasonable prospect of succeeding against it.

Employment Judge Maidment

Date 18 February 2019

11.6C Judgment – Reconsideration refused – claimant - rule 72