



EMPLOYMENT TRIBUNALS

Claimant: Mr S Gaskell

Respondent: Virgin Media Limited

Heard at: Manchester

On: 20 June 2019

Before: Employment Judge Sherratt

REPRESENTATION:

Claimant: Litigant in person

Respondent: Ms V Othen, Solicitor

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claims are struck out on the basis that they are vexatious and have no reasonable prospect of success.
2. The respondent's application for a costs order is dismissed.

REASONS

1. The claimant was employed by the respondent from 1 December 2010 until 30 November 2011. Some 12 months after his employment ended the claimant was involved in a road traffic accident and has had post traumatic brain syndrome since December 2012.
2. The claimant's first claim against the respondent numbered 2404733/2012 was dismissed at a pre- hearing review on 13 September 2012 by Employment Judge Hewitt on the basis that the claims had been presented out of time. I note that this was before the claimant had his accident.
3. The claimant commenced claim number 3100719/2014 and it was the subject of a hearing before Employment Judge Coles in Southampton on 21 November 2014. Employment Judge Coles dismissed the claimant's claims for want of jurisdiction, setting out full reasons which I will not repeat.

4. In 2017 the claimant brought further proceedings which came before Employment Judge T Vincent Ryan on 20 February 2018. The claimant's claims were dismissed for the reasons set out in the Judgment.
5. The application before me today was to strike out the claim on the basis that it has no reasonable prospects of success and that it is vexatious.
6. Given that the claimant's three previous claims have been brought before the Employment Tribunal, and have been dismissed by three different Judges on three separate occasions for the reasons set out in the Judgments, I am satisfied that the claimant's current claims have no reasonable prospects of success on the basis that they are brought out of time and/or have already been the subject of Judgments of the Employment Tribunal dismissing them.
7. In these circumstances it also seems to me that for the claimant to bring this fourth claim in the Employment Tribunal amounts to vexatious conduct.
8. The claimant's claims are dismissed.

Employment Judge Sherratt

21 June 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

17 July 2019

FOR THE TRIBUNAL OFFICE

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