



EMPLOYMENT TRIBUNALS (ENGLAND & WALES)

PETER HARRIMAN
Claimant

V

SAINSBURYS SUPERMARKETS LTD
Respondent

HELD AT: London Central ON: 5-7/8/2019
Employment Judge: Mr J S Burns

Appearances

For Claimant: In person

For Respondent: Ms A Ahmad (Counsel)

JUDGMENT

The Claimant shall pay the Respondent £8000 by way of costs within 21 days.

REASONS

1. These reasons should be read with the judgment and reasons dismissing the Claims.
2. I found that the Claimant knew when bringing his claims for unfair dismissal and notice pay that he was guilty of serious gross misconduct which included deliberate breaches of policy and attempts to conceal the same over an extended period.
3. The Claimant's claim (which was principally based on the argument that the decision not to suspend him pending the disciplinary hearing made the subsequent dismissal unfair) was not only hopeless but disingenuous seeing that it had been the Claimant himself who have asked not to be suspended, and to his knowledge he had been granted that concession as an act of humanity and leniency on the part of Mr Noonan.
4. The Claimant had access to professional legal advice in relation to his Tribunal proceedings and he must or should have been aware that his claim for unfair dismissal and notice pay had no reasonable prospect of success and that he was vulnerable to a costs award if he pursued it.
5. The Claimant was made a generous settlement offer of £5000 by the Respondent which he declined and on 26 July 2019 that offer was repeated, the Respondent at the same time making a costs warning which sets out the reasons why the

claim were hopeless, which reasons are much the same as those later given for the judgment dismissing the claim.

6. I find that the Claimant has acted unreasonably and vexatiously and has brought and pursued claims which had no reasonable prospect of success and hence my discretion to make a costs order under rule 76 is engaged.
7. The Claimant earns £50000 per year in a permanent new job with Iceland, drives an Audi and lives in a house worth about £350000. He has no significant debts apart from a mortgage on his home. I find that he can afford to pay the sum of £8000 costs incurred by the Respondent in defending this claim, which sum is modest and reasonable having regard to the number of witnesses and the fact that the trial was heard over three days in London, with Counsel representing the Respondent.
8. I find that it is reasonable and appropriate to make a costs order against the Claimant in the sum claimed namely £8000.

Employment Judge Burns

07/8/2019 London Central
Date and place of Order

Date sent to the Parties
20/08/2019

For Secretary of the Tribunals

Oral reasons having been given to the parties at the end of the hearing, no written reasons will be provided unless either party, within 14 days of the date on which this judgment is handed/sent to the parties, makes a written request for the same.