



EMPLOYMENT TRIBUNALS

Claimant: Mr D Donnor

Respondent: William Hill Organization Limited

Heard at: Leeds **On:** 30 August 2019

Before:
Employment Judge JM Wade

Representation

Claimant: Mrs Nanhoo-Robinson (counsel)

Respondent: Ms Barry (counsel)

JUDGMENT

The respondent's application for costs does not succeed.

REASONS

1 The full chronology and detailed reasons were announced to the parties in an extempore Judgment which was recorded and of which both counsel have a note. In short, I found that the claimant had not known of the January hearing; he had acted unreasonably in not sufficiently checking spam emails; he had applied for subsequent adjournments with less than seven days' notice: the thresholds for making a costs order were therefore met.

2 In exercising my discretion I took into account matters including the following. I assessed him as giving honest evidence, consistent with the tone of his communications and he was apologetic. The respondent had incurred costs thrown away by the first hearing; there was no evidence of costs thrown away by the latter two postponements. The claimant was, until very recently, a litigant in person; he remained an employee of the respondent; he had been required in the material period to travel to Leeds for a meeting by telephone, which the respondent then abandoned, I was told, ostensibly because of the claimant's fit note indicating unfitness for work; his medical report in connection with civil proceedings following a car accident sufficiently addressed the reasons for his postponements, and when he would be fit; and broadly his wish to "wait and see" until two or three days before a hearing whether he would be well enough to take part in proceedings was reasonable at the time given his state of knowledge at the time (and the fact of a car accident and unfitness for work were known to the

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respondent in the latter part of the chronology). Given the claimant's knowledge now, discretion would be likely to be exercised differently in future, were there to be a repeat of the circumstances giving rise to postponements in this case.

Employment Judge JM Wade

Date 30 August 2019