



EMPLOYMENT TRIBUNALS

Claimant: Mr R Gardner

Respondent: Integrated Optical Limited

JUDGMENT ON COSTS

The respondent's application for costs is refused.

REASONS

1. The respondent applied for costs by letter of 2nd May 2019, in which it indicated consent for the application to be dealt with on the papers unless the Employment Judge considered a hearing was appropriate. The claimant was asked for his comments and response to the application by 18th June 2019. It appears that the claimant complied with this request however his emailed response was not received. Following further communications between the Tribunal and the claimant, a full response was received and the application has come before me as I dismissed the proceedings on 1st April 2019 following the claimant's withdrawal.
2. I have read the claim form, the respondent's response and amended response to the claim, the application for costs and the claimant's reply to that application. I am satisfied that I have sufficient information before me to deal with this application, with the consent of the parties, on that basis and without a hearing.
3. Having read and taken account of the detailed application and the claimant's response, I accept, on balance, the points made in rebuttal by the claimant in his letter of 17th June 2019. On that basis I am not satisfied that his conduct in either the bringing of these proceedings or the way that they have been conducted was vexatious, abusive, disruptive or unreasonable, as laid out at regulation 76(1)(a) ETs(C&RofP) Regs 2013 Sch 1 and so the application for costs is refused.

Employment Judge Howard
Date: 10th September 2019

Case No:2414585/2019

JUDGMENT SENT TO THE PARTIES ON

26 September 2019
AND ENTERED IN THE REGISTER
FOR THE TRIBUNAL OFFICE