



EMPLOYMENT TRIBUNALS

BETWEEN:-

Claimant: MISS A FOURNADJIEVA

Respondents:

(1) CHARING CROSS HOSPITAL, IMPERIAL HEALTHCARE NHS TRUST

(2) REED SPECIALIST RECRUITMENT LTD

(3) MRS TAHERA JAMA

JUDGMENT

Pursuant to r. 72, there is a reasonable prospect that the Claimant's application dated **25 September 2019** for reconsideration of the judgment dismissing her claim, sent to the parties on **11 September 2019**, will result in that decision being revoked.

REASONS

1. At a PH on 10 June 2019, this matter was listed for a FMH to commence 26 September 2019 and directions given, inter alia, for the Claimant to serve on the Respondents a Schedule of Loss and a list of relevant documents by 24 June 2019.
2. The Claimant was in default of those directions and the Respondents sought an unless order in respect of compliance with them, which I made.
3. The initial Order I made, dated 12 August 2019 (First Unless Order), unfortunately contained a repeated typographical error in stating that the

date for compliance was to be 23 September, when it should have stated 23 August.

4. The Respondents pointed out the likely error and I made an Amended Unless Order on 15 August 2019 requiring compliance with the original directions (which had still not been complied with) by 24 August 2019.
5. There had been no compliance with that Order by 24 August 2019, or indeed by 10 September 2019, and on the latter date the tribunal struck out the claim for that reason and vacated the FMH listing.
6. On 25 September 2019 the Claimant wrote in to the tribunal seeking a reconsideration of that judgment. Much of the contents of that letter is not relevant to the reconsideration issue (dealing with substantive merits of the claim and with the effect of the Respondents' alleged actions on the Claimant). However, in the relevant paragraphs, the Claimant provides the following information, in summary:-

6.1. The Claimant had prepared the relevant documentation by early August and was intending to have them reviewed by a legal professional.

6.2. The terminal illness, death and funeral of her best friend in July/August prevented her (she maintains) from obtaining that legal advice.

6.3. Most fundamentally, she maintains that:-

6.3.1. She was about to write in to the tribunal explaining this and asking for an extension of time to comply with the PH directions when she received on 13 August the First Unless Order telling her she had until 23 September to comply (the implication is that she took that at face value); and

6.3.2. She did not know about the Amended Unless Order until after she received notification that her claim had been struck out on about 12 September, because she did not check her emails during the relevant period because of the stress of having to deal with her

sick father, etc., and because she was abroad and it was less easy in any event to log into her email account.

7. If that information is correct and supported in evidence, probably at a hearing, then my provisional view is that it may be necessary in the interests of justice to revoke the judgment dismissing the claim and re-list the claim for a FMH.
8. Pursuant to r. 72(1), I therefore invite the parties by **4pm 25 October 2019** to write to the tribunal, copied to the other parties, giving their views on whether the application for reconsideration can be determined without a hearing and, in the Respondents' case, if the application is opposed the reasons for that opposition.

EMPLOYMENT JUDGE - Segal

8 October 2019 London Central

Date Sent to the Parties

09/10/2019