



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs S Thomas

**Respondent:** London Borough of Hammersmith and Fulham

## JUDGMENT ON COSTS

Employment Tribunal Rules of Procedure 2013, Rules 74-84

The Claimant must pay the sum of £9,584.70 to the Respondent within 14 days of the date on which this judgment is sent to the parties.

## REASONS

1. By e-mail of 3 January 2020 the Respondent made an application for costs against the Claimant under Rule 76(1)(a)-(b) and Rule 76(2) of The Employment Tribunal Rules of Procedure 2013 (as amended) on the ground that the Claimant acted unreasonably in bringing these proceedings, but not then actively pursuing them. The Respondent's application was copied to the Claimant, who did not respond.
2. Rule 77 requires that, before making a costs order, the Tribunal must give the Claimant a reasonable opportunity to make representations (in writing or at a hearing, as the Tribunal may order) in response to that application.
3. The Tribunal wrote to the Claimant on 9 January 2020 explaining the basis of the application and giving her an opportunity to respond and to provide evidence of means to pay. The Tribunal also telephoned the Claimant twice but the phone disconnected after a few rings.
4. The Claimant has not responded to the application and this application has therefore been determined on the papers.
5. In my judgment, the Claimant has conducted these proceedings unreasonably. She was a senior employee of the Respondent (Assistant Director of Public Service Reform), earning £5,200pcm net.

6. This was a claim that at the outset appeared to have substance, and which necessitated (and received) a detailed response from the Respondent.
7. The Claimant then failed to attend a preliminary hearing on 4 November 2019, failed to respond to the Tribunal's letter of 4 November 2019 enquiring as to reasons for non-attendance, and failed to respond to a strike-out warning sent on 20 November 2019, following which the claim was struck out on 6 December 2019.
8. The Respondent claims it has incurred costs of £9,584.70 in dealing with these proceedings. That appears to me to be a reasonable sum in the circumstances. The Claimant has not taken the opportunity given to her to provide any information about her ability to pay and I cannot therefore take this into account, save to the extent that I can see that she was a relatively high earner during her employment with the Respondent.
9. Pursuant to Rule 78(1)(a), I therefore **order** that the Claimant do pay the sum of £9,584.70 to the Respondent **within 14 days** of the date on which this judgment is sent to the parties.

Employment Judge Stout  
31 Jan 2020

Sent to the parties on:

04/02/2020.....

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For the Tribunal:

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