



EMPLOYMENT TRIBUNALS

Claimant: Mr C Bereanu

Respondents: (1) Wright Brothers Oyster House Limited
(2) Petticoat Management Team Limited

Heard at: London East Hearing Centre

On: Tuesday 1 September 2020

Before: Employment Judge Russell

Appearances
Claimant: In person
Respondents: Did not attend

JUDGMENT ON RECONSIDERATION

The application for reconsideration of the decision to reject the claim against MI5 is refused.

REASONS

1. By a claim form presented to the Tribunal on 1 June 2020, the Claimant brings complaints of unfair dismissal, race discrimination, notice pay, holiday pay, arrears of pay and for other payments. He named three Respondents: Wright Brothers Oyster House Limited; Petticoat Management Team Limited; and Security Service MI5.

2. On 1 July 2020, the claim was referred to me under Rule 12 of the Employment Tribunal Rules of Procedure 2013. The documents provided to me included the 26-page attachment to the ET1 claim form. Paragraph 84 of that document sets out the basis of the purported claim against MI5, namely that they have provided services to the First Respondent by safeguarding their alleged criminal activity and have sabotaged the Claimant's documents prepared for these proceedings, including deleting or altering documents which he had saved on his own USB sticks. The Claimant stated that MI5 should and could be prosecuted by the Employment Tribunal.

3. Having considered the contents of the claim form and the 26-page attachment, I decided that the claim should be rejected against MI5 as the Tribunal does not have jurisdiction to hear it, see rule 12(1)(a). That decision was made and communicated to the clerk on 1 July 2020.

4. On 10 July 2020, the Claimant complained that the Tribunal had given the Respondents unlawful extra time to respond to the claim, this appears to arise from the delay in serving the claim on the Respondents. This complaint was answered by letter from Mr Owen Williams dated 16 July 2020.

5. Regrettably, the reasons for my decision to reject the claim against MI5 were only sent to the Claimant by letter dated 21 July 2020. The Claimant's application for a reconsideration of my rejection decision was made on 28 July 2020, within the time limits prescribed by rule 71 of the Employment Tribunal Rules of Procedure 2013.

6. The grounds for reconsideration are that the removal of MI5 was improper conduct by Regional Employment Judge Taylor, amounted to a refusal of the right to justice for the Claimant, was an act of retaliation following his complaint on 10 July 2020 which he describes as a protected disclosure, the rejection decision may have been taken without sight of his 26-page attachment and/or that it was taken as a result of MI5 interfering with the Tribunal (by blackmailing its staff due to alleged immigration issues). I directed that there should be a hearing at which the Claimant could make his application for reconsideration, rule 13(3) of the Employment Tribunal Rules of Procedure 2013.

7. At the reconsideration hearing today, the Claimant set out his reasons for making the application. The Claimant was concerned as to whether the 26-page attachment had been referred to the Judge, stating that it was not the first time that documents had been hidden from the file by clerks. He relied upon paragraph 84 of the 26-page attachment and asserted that the Tribunal has the power to investigate economic crimes related to employment and that this was a case involving money laundering. The Claimant suggests that MI5 have a special interest in hiding money laundering and covering up the criminal activity of the other Respondents. The Claimant repeated his assertions that MI5 is seeking improperly to influence a fair trial, either by blackmailing the Tribunal clerks or by involvement in the criminal activities of the Respondents. In essence, the Claimant's case is that if MI5 were interfering in the backstage, covertly, then they should be added as a party to be held answerable for their actions. This is why the Claimant says that MI5 is a proper party to proceedings.

8. I considered the scope of the Employment Tribunal's jurisdiction. It is a creature of statute and I do not accept that it does have power to hear the claim which the Claimant seeks to bring against MI5 for whom he neither worked nor applied for work.

9. None of the matters raised by the Claimant are such that they would give any reasonable prospect of original decision being varied or revoked and it is not necessary to reconsider the judgment in the interests of justice. The decision to reject the claim against MI5 was mine, not that of Regional Employment Judge Taylor or of the administrative staff. It was taken after reading the ET1 and the 26-page attachment and before the Claimant's complaint on 10 July 2020. The

Employment Tribunal has no jurisdiction to prosecute MI5 and there is no jurisdiction in the Employment Tribunal to hear a complaint about the matters alleged by the Claimant.

10. Accordingly, the Claimant's application for a reconsideration of the rejection decision is refused under rules 70 and 72.

11. The Claimant's claims against the First and Second Respondent will proceed and are unaffected by this Judgment.

Employment Judge Russell
Date: 1 September 2020