



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr D Dyda

v

Torquay Boys Grammar School

Employment Judge Smail in Chambers

2 February 2021

RECONSIDERATION REFUSAL

1. I do not order a reconsideration of my judgment dated 16 November 2020 that it was not in the interests of justice to revoke the effect of the unless order dated 25 September 2019 which ordered, inter alia, that unless by 15 January 2020 the Claimant provided to the Respondent by way of mutual exchange his witness statement in the matter limited to 3,500 words, his claim would stand dismissed without further order.
2. Accordingly, the claim remains dismissed.
3. The Reasons for that judgment are contained in the document recording it. There is no reasonable prospect of that judgment being varied or revoked. That is because the Claimant confirmed that he had made a deliberate decision not to serve a witness statement from himself notwithstanding the multiple orders, including an unless order, directing him to do so.
4. No witness statement, further, had been prepared for the hearing on 16 November 2020.
5. There was an electronic hearing in which the Claimant participated. He was able with the assistance of the interpreter to explain his position. This was undertaken via the chat function. I was and remain sceptical that the Claimant could not access the full functionality of the CVP hearing. There is a long procedural history of the Claimant obstructing the process.
6. Be that as it may, he was able to explain his position in clear terms. He confirmed the deliberate nature of the decision not to serve a witness statement from himself.

7. In those circumstances it was not possible, and remains impossible, for me to find a basis for saying that it is in the interests of justice to revoke the effect of the unless order.
8. I ignore the Claimant's scandalous allegations of racism.

Employment Judge Smail

Date: 02 February 2021

Sent to the parties on: 05 February 2021

For the Tribunal Office