



EMPLOYMENT TRIBUNALS

Claimant:
Mr Samuel Armstrong

Respondent:
**Crosfill & Archer
Claims Ltd**

Heard at: Leeds (By Telephone) **On: 30 September 2021**

Before: Employment Judge R S Drake

Representation:

Claimant: In Person
Respondent: No Attendance/Appearance

JUDGMENT IN COSTS APPLICATION

The judgment of the Tribunal is that the Respondent is ordered to pay preparation costs incurred by and to the Claimant in the amount of £861.00.

REASONS

1. This case first came before me at the substantive hearing of it on 7 April 2021, and I gave judgment for the Claimant on that date. My judgment and reasons were promulgated on 19 April 2021, and my conclusion was that though the Claimants claims of unfair dismissal succeeded, he was not awarded compensation because he had received a redundancy payment which subsumed such compensation, and his claim for unpaid holiday pay was dismissed.

2. However, his claim for breach of contract succeeded and he was awarded damages of £880.00 being the value of pay for 11 days' notice he did not receive and to which he was entitled. His claims were unopposed, and no Response had been entered.

3. The Respondents did not attend the hearing or make any representations, leaving the Claimant to face the necessity of preparing a fully contested case without knowing the Respondent's position.

4. I noted the Respondents had also been made aware of today's hearing by Notice and reminder sent by the Tribunal (on 2 August and 27 September 2021 respectively) but again did not attend or make representations in any form whatsoever.

5. This was an application under rule 76 paragraph 1(b): the Claimant asserted that this was a claim which had at all material times a reasonable prospect of success, and further for the purposes of paragraph 1(a) that it was unreasonable to have not responded to or conceded these claims.

6. I was helped substantially by the detailed submissions of the Claimant, to whom I am extremely grateful for his assistance. I had before me a bundle of documents for this hearing produced by him, which included my Judgment. It also included a calculation of the costs that had been incurred in respect of the time he had been forced to take to prepare his case. It was augmented in this respect by oral submissions which I accepted as evidence.

7. The bundle also included a copy of a letter which the Claimant had written to the Tribunal 4 May 2021, amounting to an application warning that he would invoke a claim for costs under rule 76 calculated as being for 20 hours preparation time upto that date at a rate of £41 per hour.

8. I noted that the Claimant says, and I accept that since 4 May 2021 in preparation for today he has expended a further 1 hour of time and that thus his claim as at today's date is for 21 hours of preparation time.

9. I accept from the Claimant that, other than correspondence about the Respondent discharging the Judgment on 7 April 2021 by an initial part payment and then a further payment which included interest on the Judgment debt, there has been no response from the Respondent in any substantive form or way to the application for costs, despite the Respondents apparently knowing the fact that they faced a costs claim by having been given notice of the hearing date today and advice as to the means to attend.

10. Therefore, I award to the Claimant and order that the Respondents shall pay to him preparation time cost calculated as follows:-

- Time expended upto date of Judgment – 7 April 2021 - 20 hours
- Time expended to today's date thereafter – 1 hour
- Total time spent – 21 hours at £41 per hour

- Total awarded – 21 x £41 = **£861.00**
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Employment Judge R S Drake

Signed 30 September 2021