



EMPLOYMENT TRIBUNALS

Claimant: Mrs Marie-Antionette St Joseph

Respondent: Citywest Homes Services Limited

JUDGMENT

The Claimant's application dated 14 August 2021 for reconsideration of the judgment awarding costs to the Respondent, sent to the parties on 2 August 2021 (the "Costs Judgment") is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked for the reasons set out below.

1. The claimant's application for reconsideration is based on 7 different grounds, each of which are considered in turn. For ease of reference these are copied from her application.

Ground One: "The judgement was biased and prejudiced in its application and balancing of rule 39(5) and 84 of the employment tribunal rules of proceedings 2013. The cost was awarded to the respondent controversially in line with the threshold it used. It was a punitive measure rather than objective and to obstruct the course of justice."

2. The claimant expands on this ground in paragraphs 11 – 26, but it is difficult to understand the argument that she is making. Her main objection appears to be that the panel should not have inferred that she may make similar weak claims again in future, based on the two claims she has made to date. The basis for the inference was explained in the Costs Judgment and nothing in the reconsideration application leads me to think this needs to be reviewed.
3. The comments in the judgment are not intended to obstruct the Claimant from gaining future employment, nor from pursuing an employment tribunal claim which has good prospects of success.

Ground Two: “There is a striking similarity in this judgement with that of Westway Housing Association with regards to the amount of cost applied for and basis for it.”

4. The panel is not aware costs order having been in the Westway Housing Association. We were not referred to a judgment in that case. If there is one, any similarity is likely to be because the panel in that case were applying the same Tribunal Rules. The amount of costs sought by the respondent in this case was the maximum amount the tribunal panel is permitted to order without a detailed assessment. The claimant’s means, including the salary she received from both former employers, was not taken into account in the tribunal panel’s decision making.

Ground Three: “There is a striking ground that this respondent is in breach of the PIDA Act of 1998 and 2013 in line with its actions and reason.”

5. The tribunal panel found no such breach by the respondent.

Ground Four: “The judgement was completely controversial and had no regard or continuity to the findings made by EJ Stewart at the case management hearing of 31/07/20.”

6. The tribunal panel was referred to and consider the case management order made by Employment Judge Stewart following the case management hearing on 31 July 2020.
7. Employment Judge Stewart made no findings. Instead, she briefly recorded what the parties told her about the conduct of the litigation up to that date. She noted that the Respondent was unable to respond to the particulars of the Claimant’s complaints of the Respondent’s conduct of their case and decided that it was not appropriate for her to determine the issue of costs.
8. The panel did not find that the claimant did not write to the respondent after July 2019. The panel found that the claimant sent a number of communications to the Respondent, to which it failed to respond. The claimant did not write to the tribunal about the lack of a response until 15 January 2020.

Ground Five: “The references made to EJ Quill’s Order of 13/08/2019 were in most places misquoted/ misconstrued in favour of the respondent.”

9. There are no inconsistencies between:
 - (a) paragraph 22 of the Costs Judgment and paragraphs 60 and 61 of Employment Judge Quill’s deposit order;
 - (b) paragraph 24 of the Costs Judgment and paragraphs 57 and 60 of Employment Judge Quill’s deposit order;

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- (c) paragraph 25 of the Costs Judgment and paragraphs 70 and 81 of Employment Judge Quill's deposit order; and
- (d) paragraph 27 of the Costs Judgment and paragraph 83 of Employment Judge Quill's deposit order.

Ground Six: "My preparation time application was not treated fairly considering the evidence that was adduced in person and by email."

- 10. The claimant has not explained why she believes her application for a preparation time order was not treated fairly.

"I am led to believe that the Judgement was written by Mr Simon Harding as was the judgement of the main full merit hearing."

- 11. The basis for this ground is that "All are style of his argument and expression."
- 12. It is not true that Mr Simon Harding wrote either of the two judgments. Any similarity in argument or expression is likely to arise because the judgments refer to the same legislation provisions and case law and use common legal terminology.

**Employment Judge E Burns
1 October 2021**

JUDGMENT SENT TO THE PARTIES ON

04/10/2021

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FOR THE TRIBUNAL OFFICE