



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Josic

**Respondent:** Keedwell RT Group Limited

**HELD AT:** Manchester on the  
papers

**ON:** 12 October 2021

**BEFORE:** Employment Judge Holmes

## REPRESENTATION:

**Claimant:** No attendance or representations

**Respondent:** No attendance , written representations

# JUDGMENT ON COSTS APPLICATION

It is the judgment of the Tribunal that :

1. The claimant having been found to have acted unreasonably, and in breach of the Tribunal's orders, by the judgment of Regional Employment Judge Parkin on 4 December 2019, sent to the parties on 24 January 2020, the Tribunal is entitled to make an award of costs against him in favour of the respondent;
2. The Tribunal does so, and assesses those costs payable by the claimant to the respondent in the sum of **£4180.00**.

## REASONS

1. These claims were originally brought by a claim form presented on 18 May 2018 by the claimant against other respondents. By a further claim form , on 27 August 2018, the claimant brought further claims against a number of respondents , including this respondent.

2. All the claimant's claims were subsequently combined, and came before Regional Employment Judge Parkin on 4 December 2019. In his judgement , sent to the parties on 24 January 2020 , Regional Employment Judge Parkin dismissed all the claimant's

claims, including those against this respondent, on the grounds of his unreasonable conduct of the proceedings, non-compliance with case management orders, and failure actively to pursue his claims. A costs order was made in respect of the seventh respondent, but no costs order was made at that time in respect of this respondent, the fifth respondent in those combined proceedings.

3. By application of 21 February 2020 (and hence within the 28 days required by rule 82) sent by the respondent to the Tribunal, and copied to the claimant, this respondent made an application for costs against the claimant, and attached to that application a schedule of costs.

4. The respondent, as did the Tribunal, sent all communications to the claimant by email to the address [plavi1234@gmail.com](mailto:plavi1234@gmail.com), which is the address of the claimant had previously supplied, and from which he had previously sent communications to the Tribunal. The last time that the claimant appears to have communicated with the Tribunal, from the Employment Judge's review of the available information, appears to have been 25 October 2019 when he emailed the Tribunal saying that he had only recently received three orders from the Tribunal dated 16 July 2019.

5. The respondent's application for costs was not, for reasons that are unclear, progressed by the Tribunal at that time. The respondent's solicitors similarly do not appear to have pursued the matter until March 2021. The Tribunal apologises for this administrative oversight.

6. On 27 March 2021 the Tribunal wrote to the respondent's representative seeking clarification of the VAT status of the respondent, and also wrote to the claimant at the email address on file, attaching the respondent's costs application. The claimant was asked to inform the Tribunal how he wished to deal with the application, and whether it was opposed, or there was any dispute as to the amount of costs claimed. The claimant was asked to reply by 12 April 2021 but did not do so.

7. On 19 April 2021 both parties were sent a notice of the costs hearing listed for today, and the claimant was advised that if he wished the Tribunal to take into account any documents, or his financial means, he must provide copies of such documents to the respondent and the Tribunal no later than 5 October 2021.

8. The claimant did not respond to this email either, and, in short there has been no communication from the claimant in respect of this case for almost 2 years.

9. The claimant did not attend or participate in this hearing, the respondent did not participate either, and the Employment Judge has accordingly proceeded to determine the matter on the papers.

10. Costs are the exception rather than the rule in Employment Tribunal proceedings, and a Tribunal will only consider awarding costs if any of the conditions specified in rule 76(1) of the 2013 rules procedure are satisfied. Those include that party has acted unreasonably in the bringing or the conducting of proceedings, or has been in breach of any Tribunal order.

11. The judgement of Regional Employment Judge Parkin on 4 December 2019 has already determined that the claimant did indeed act unreasonably in the conducting of the proceedings, and was in breach of Tribunal orders. The conditions for the making of a costs order are thereby satisfied, and this Tribunal need not consider afresh whether there are grounds for making a costs order.

12. The only matter therefore for this Tribunal is the assessment of the costs payable. The respondent has set out those costs in the schedule attached to its application and they amount in total to £4,180.00. They comprise a mixture of solicitor's costs, and counsel's fees. In relation to the former, the hourly rate claimed is £150, which the Tribunal considers as reasonable for provincial solicitors. The total amount of time spent in the various activities set out in schedule also appear to be reasonable, and the Tribunal proposes to allow each of those items as part of the costs awarded. In relation to counsel's fees, there are three items that are claimed, one of £650 for preparation and attendance at a preliminary hearing, then £850, for preparation and attendance at a further, longer preliminary hearing, and finally £1000, for preparation and attendance at a further full day preliminary hearing. The Tribunal considers that the fees charged in respect of each of those hearings are also reasonable, and they will be allowed in full.

13. The Tribunal proposes therefore to make an award of costs in the sum of £4,180.00. VAT was sought, but it has been confirmed respondent is registered for VAT payable on these fees. Whilst, pursuant to rule 84, the Tribunal can have regard to the paying party's ability to pay, the Tribunal has been provided no information by the claimant to enable it to do so, and so the total amount of costs payable to the respondent by the claimant is confirmed in sum of £4,180.00.

Employment Judge Holmes  
Date: 12 October 2021

JUDGMENT AND REASONS SENT TO THE PARTIES ON  
14 October 2021

FOR THE TRIBUNAL OFFICE