



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr O Ezeh

**Respondent:** John Lewis PLC

**UPON APPLICATION** made by letter dated **2 November 2020** to reconsider the judgment dated **17 October 2020** under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

## JUDGMENT

The application for reconsideration of the judgment is refused.

### Reasons

1. The judgment was reconsidered on two grounds. The first was that the Claimant may not have had sufficient time to consider the authorities on which the Respondent relied in its application for strike out of the claim. I am satisfied however that had the Claimant had more time to consider those authorities, it would not have made any difference to my decision, which was based on the content of the letter of 18 October 2019 from the Claimant to the Respondent's representatives. Nothing in the authorities would have made any difference to the weight I placed on the content of that letter or the way in which I interpreted it and any submissions the Claimant might have made would not in my judgment have had any prospect of affecting the outcome.
2. The second ground was the overall content of the letter, which I had only seen in redacted form when I made my decision to strike out the claim. I have now reviewed the unredacted letter and in my judgment the additional content does not alter the meaning or impact of the words the Claimant used. Those words caused me to decide that the claim should be struck out because a fair trial had been jeopardised by the terms in which the Claimant expressed himself and the likelihood that witnesses would have been intimidated. I remain of that view, but have again weighed the matter carefully, given the implications of striking out a claim. I am

nevertheless satisfied that the unredacted terms of the Claimant's letter would have been more likely than not to cause a sensible and well-adjusted person to be fearful of the consequences of giving evidence in the proceedings.

3. For those reasons the application is refused.

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Employment Judge **Morton**  
**7 October 2021**