



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mrs E Cottrell

v

Mach Recruitment Limited

Heard at: Cambridge

On: 11 October 2021

Before: Employment Judge Ord

Appearances

For the Claimant: Did not attend and was not represented

For the Respondent: Mr Stevens, Solicitor

SUMMARY ASSESSMENT on COSTS

The Claimant is Ordered to pay the Respondent's costs of the Hearing on 29 March 2021, summarily assessed in the sum of **£2,310.00**

REASONS

1. This matter came before me today for the assessment of the Respondent's costs of the Hearing on 29 March 2021.
2. On 29 March 2021, the Respondent's Application dated 25 March 2020 to strike out the Claimant's complaint was due to be heard. The Claimant did not attend.
3. The Claimant initially had pursued proceedings against both the remaining Respondent and Cygnia Logistics Limited (formerly Dalepak Limited). The case against that party was struck out by Employment Judge Spencer on 6 March 2019 (Order signed 21 May 2019 and sent to the parties on 11 June 2019).
4. Because the Claimant failed to attend the Hearing of the remaining Respondent's Application to strike out her complaints, Notice was sent to

her on 7 April 2021 in accordance with Orders made by me on 29 March 2021 and signed on 31 March 2021. That Notice required the Claimant to show cause, within 10 days of the day upon which the Notice was sent to her, why her claim should not be struck out on the basis that it had not been actively pursued and / or for the reasons set out in the Respondent's Application of 25 March 2020.

5. No such cause was shown. Rather, the Claimant replied on 12 April 2021 alleging that the Notice to show cause was a *"fabricated Court document"*, that the Employment Tribunal had acted unlawfully and *"orchestrated"* a Hearing. No explanation for her non-attendance on 29 March 2021 was given.
6. The Claimant referred to earlier correspondence where she referred to *"the UK Employment Tribunal's long lasting scam process"* and *"forged Government documents"* (these being, apparently, the Tribunal Orders sent to the Claimant) and that *"unlawful ruling"* of the Regional Employment Judge whom she described as *"dishonest"*, along with other allegations of unlawful conduct by other members of the Tribunal Judiciary including myself.
7. She referred to a Judgment of the Employment Appeal Tribunal dismissing her Appeal against the strike out of her claim against the second Respondent as a *"trashy and common fabricated / forged Government document"*.
8. The Claimant had written to the Employment Tribunal on previous occasions in similar terms.
9. The Claimant did not engage at all in the matters in the Notice to show cause.
10. As a result, the claim was struck out on 28 April 2021 for the reasons set out above and in the Judgment dated 28 April 2021. That Judgment was signed by me on 12 May 2021 and sent to the Claimant on 20 May 2021.
11. On 27 May 2021, the Claimant sent a request for Reconsideration of the decision of 28 April 2021. The Respondent did on 14 July 2021.
12. Regrettably, the decision to refuse the Claimant's Application made by me pursuant to Rule 72(1) of the Employment Tribunal Rules of Procedure 2013 was sent by the Tribunal Administration as an 'Acknowledgment of Correspondence', rather than as a Judgment on Reconsideration, without my knowledge and without and reference to me. This will now be rectified and the appropriate Judgment will be sent with this document.
13. The reasons for the rejection of the Application for Reconsideration were fully set out in the document headed 'Acknowledgement of Correspondence' and will merely be repeated in the correct form of document.

14. Because the Tribunal staff are working overtime to deal with a substantial backlog of work, the 'Acknowledgement of Correspondence' was sent bearing the date of 15 August 2021 which was a Sunday. This appears to have caused the Claimant further concern.
15. The Claimant did not show cause why she should not pay the costs of the Hearing on 29 March 2021 and on 28 April 2021 an Order for Costs and a Notice of Summary Assessment was issued by me and sent to the parties on 20 May 2021.
16. By that Order:
 - 16.1 the Respondent was to provide a detailed claim for costs to the Claimant by 31 May 2021 and did so on 26 May 2021;
 - 16.2 the Claimant was to comment on the extent of those costs by 21 June 2021 and did not do so; and
 - 16.3 if the costs were not agreed, then they were to be summarily assessed by me today.
17. On 7 June 2021, the Claimant sent a 15 page letter which did not address the extent of the Respondent's claim for costs at all, but in which the Claimant repeated her allegations of misconduct, illegal activity, the forgery of documents, "*orchestration*" of Hearings and discriminatory treatment at the hands of the Tribunal, the Tribunal Judiciary and the Employment Appeal Tribunal.
18. On 18 August 2021, the Claimant complained that the Tribunal's letter of 15 August 2021 amounted to "*what Judge Ord was gossiping about with Lydia Gomez [the Clerk who sent the document] whilst passing by last Sunday in the Watford Employment Tribunal corridors*".
19. Unfortunately, that document was not referred to me until today.
20. The matter for today was listed as a 'hybrid' Hearing. The Respondent attended by use of the Tribunal's Cloud Video Platform. The Claimant was entitled to attend either in person or by video and did neither.
21. On behalf of the Respondent, attendance was made by Mr Stevens, a Solicitor. As there was no attendance by the Claimant, at 10:10am on the morning of the Hearing the Tribunal Clerk attempted to contact the Claimant whose mobile telephone number connected directly to voicemail. A message was left asking the Claimant to contact the Tribunal, but she did not do so.
22. The Tribunal Clerk also had a telephone number which was apparently that of the Claimant's workplace. The call was made to that number and it

was answered but no-one of the Claimant's name was said to be employed at that place of work.

23. At 10:20am the Claimant had still not made contact with the Tribunal. I was willing to give the Claimant a further 10 minutes to contact the Tribunal or to attend and advised the Respondent's Solicitor accordingly.
24. At 10:30am the Claimant had still not made any contact with the Tribunal office and the Summary Assessment of Costs proceeded in her absence.
25. The Respondent had prepared a helpful Bundle of documents for use at the Summary Assessment, including the detailed calculation of costs in the total sum of £4,809.38.
26. There was a total claim for preparation for the Preliminary Hearing of 6.9 hours of Partner time and 6.1 hours of Senior Solicitor time, in the total sum of £3,083.00. I considered that to be a combination of excessive time and duplication of time and allowed the total sum of £2,000.00 for preparation.
27. A further claim was made for preparation of the Bundle for use at the Preliminary Hearing, which I have considered to be duplication and that was disallowed in its entirety.
28. I allowed £40 (£60 claimed) for communications with the Client and the Tribunal. Mr Stevens' attendance at the Preliminary Hearing was allowed in the sum of £270.00 as claimed, and all claims for further work after the Preliminary Hearing were not allowed as they were not covered by the Order.
29. The total award of costs was therefore: **£2,310.00**. Accordingly, a Costs Order was made in that sum in favour of the Respondent to be paid by the Claimant.

Employment Judge Ord

Date: 14 October 2021

Sent to the parties on:

12 November 2021

For the Tribunal Office