



EMPLOYMENT TRIBUNALS

Claimant: Mr H Nworah
Respondent: Royal Mail Group Limited

JUDGMENT

The claimant's applications dated 19 October 2021 and 28 October 2021 for reconsideration of the judgment of 4 October 2021 are refused.

REASONS

1. As per Rule 72(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, Schedule 1, the application is refused because there is no reasonable prospect of the original decision being varied or revoked.
2. This is because the claimant's application for reconsideration discloses contradictory reasons for his non-attendance at the Tribunal hearing on 4 October 2021. He has not provided a clear explanation as to why he did not attend or why he has not responded to the Tribunal's order of 18 August 2021 or the respondent's requests for information. He has not demonstrated that he has been actively pursuing the proceedings.
3. The initial email from the claimant to the London South Employment Tribunal on 19 October 2021 stated only "*..I waited for the video link on that day all in vain, didn't receive any call or link*". The Tribunal wrote to him subsequently to ask whether his email was an application for reconsideration and if so, to explain by reconsideration is necessary. He was reminded that the claim was struck out not only because the claimant had not attended the hearing but also because he had not engaged with the proceedings for some considerable time and had not responded to requests for information from the Tribunal or the respondent's solicitors.
4. The requests for information from the Tribunal included two strike-out warnings on 18 August 2021 and 25 August 2021.

5. In a second email to the London South Employment Tribunal on 28 October 2021 the claimant stated "*I made clear ACAS that I don't have those video call facilities and preferably can be reached on my phone.*" He also said "*I handed to them all the evidence they required from me regarding this case as requested too*".

The Claimant's Notice of the CVP hearing

6. The Tribunal file shows that both parties received a number of notifications from the London South Employment Tribunal regarding the date, time and location of the hearing, as follows:
 - a. A notice of hearing sent by letter to the claimant's home address and dated 27 October 2020, which told the parties that the hearing would be at 10am on 4 October 2021 in person in Croydon;
 - b. A letter dated 2 September 2021 sent by email to the address provided by the claimant for correspondence, informing the parties that the hearing on 4 October 2021 would be by video and informing the parties that they must tell the Tribunal (not ACAS) within 3 days if a video hearing is unsuitable, which the claimant did not do; and
 - c. An email dated 1 October 2021 to the claimant's email address that instructed the parties that the time of the hearing was moved from 10am to 2pm on 4 October 2021, and provided the log-in details and instructions for how to join the hearing.
7. The claimant's email to the Tribunal of 19 October 2021 enclosed an email exchange between the claimant and the respondent's solicitor Mr Collins, in which Mr Collins reminded the claimant that the Tribunal informed both parties shortly before the hearing that the hearing would be by video. The claimant's response was "*but nobody contacted me on video*".
8. Mr Collins also forwarded the Tribunal's email of 1 October 2021, which included the link to join the video hearing and the instructions for doing so.
9. The claimant's response to this was to say to Mr Collins, also on 18 October 2021:

"...you told me with I have evidence here that it will be via video call that's what's what I'm saying and nobody called me because I waited on the 4th of October as planned and I for judgement against me that I didn't attend the hearing...when I never knew I'm to come to court physically...that's my arrangements ,because I asked you and you told it be video link due to corvid."
10. The claimant was contacted by telephone shortly after the hearing started at 2pm on 4th October 2021 but did not answer his phone.
11. In conclusion, the claimant did not notify the Tribunal as required if he was not able to participate in a hearing by video. He was provided with notice of the hearing and instructions as to how to join, which it is assumed he did not read.

He also did not answer his mobile phone when called by the Tribunal on the day of the hearing.

Whether the claimant has actively pursued his claims

12. The claimant was ordered in a letter from Judge Siddall sent by email on 18 August 2021 to do the following:

*“...the Claimant **must** now produce a document setting out what sum he is claiming and how it is calculated within 7 days from the date of this letter and provide copies of any evidence. If the claimant does not do so, his claim may be struck out at the start of the hearing on 04 October 2021.”*

13. The claimant did not provide the information as ordered within 7 days, and on 25 August 2021 was reminded of this in a letter from Ashley Goatham, Legal Officer, who stated

“I note that the claimant has failed to provide the documents within the time frame requested by Judge Siddall in a letter dated 18 August 2021. I wish to remind the claimant that a potential consequence of this failure is that his claim may be struck out at the start of the hearing on 04 October 2021.”

14. By the start of the hearing (2pm on 4 October 2021) those documents had still not been provided to the Tribunal. The claimant states in his email of 28 October 2021 *“I handed to them all the evidence they required from me regarding this case as requested too”* but this is not the case – the order of 18 August 2021 was to provide a document setting out the amounts of money he was claiming and how it is calculated and the evidence for this, which he did not do. He has therefore breached the order of the Tribunal, the consequences of which were stated to be that the claim may be struck out at the start of the hearing.
15. He provides no reason why these documents were not produced by 25 August 2021 or at any time thereafter, including by the hearing date of 4 October 2021.
16. Having not attended the hearing nor provided the documents required, his claim was not actively pursued and was struck out for this reason. He has provided no further reliable evidence as to why this was not done. His request for reconsideration is therefore refused.

Employment Judge Barker

Date: 3 December 2021