



EMPLOYMENT TRIBUNALS

Claimant: Ms N Mukoro

Respondents: 1 Independent Workers' Union of Great Britain
2 Jason Moyer-Lee
3 Catherine Morrissey
4 Maritza Calisto Calle

JUDGMENT

The Claimant's application dated 1 March 2022 for reconsideration of the judgment sent to the parties on 14 February 2022 is refused.

REASONS

1 I have taken into account all the grounds put forward by the Claimant. I set out below briefly my response to the main points raised by the Claimant in her application for reconsideration.

2 I did not find that the Respondent had made a "significant contribution to the delay of the case." I found that the delay in dealing with the case in the EAT was not attributable to the Claimant (see paragraphs 20, 21 and 40 of my decision). I did not find that the Respondent had "instigated an unlawful strike out" or that the delay caused by the appeal was attributable to the Respondent. I found that it was attributable to the EAT taking a long time to determine the appeal.

3 I did conclude that some of the delays had been caused by the Tribunal making adjustments (see paragraph 43).

4 I do not accept that the Respondent's applications to strike out all or parts of the claim have been an abuse of process.

5 I took into account that race and disability discrimination claims are serious and that striking out such claims is serious because it deprives the claimant of a hearing (see paragraphs 47 and 48). The Respondent was not applying to strike out the claims in the grounds that they had no reasonable prospect of success. It was

applying on the grounds that it was no longer to have a fair hearing. I considered the impact that the lapse of time would have on the hearing (see paragraphs 45 and 46). I did not conclude that the lapse of time was “not an issue.” On the contrary, I concluded that it posed a number of serious problems which meant that a fair hearing was no longer possible.

6 Having considered the Claimant’s application, I concluded that there is no reasonable prospect of the original decision being varied or revoked.

Employment Judge Grewal

18 March 2022

Date

JUDGMENT & REASONS SENT TO THE PARTIES ON

18/03/2022..

FOR THE TRIBUNAL OFFICE