



# EMPLOYMENT TRIBUNALS

London South Employment Tribunal on 8 June 2022

*Claimant*

**Between**

*Respondent*

**Harris Alexander Hathaway**

**&**

**Headstart Employment Limited**

**Before**

**Appearances**

Judge M Aspinall (Sitting as an Employment Judge)

None

## REFERRAL TO JUDGE Reconsideration Decision

1. On 19 May 2022 I issued judgment striking out the claim made by Mr Harris Alexander Hathaway against his former employer Headstart Employment Limited.
2. My Judgment was made because of the direction sent to Mr Hathaway on 29 June 2020 by which he was given 7 days to provide written reasons why his claim should not be struck out as he was not actively pursuing his claim. That 7-day period expired on 6 July 2020. By the time the file came before me on 19 May 2022, he was 1 year 10 months and 13 days beyond that date.
3. Receiving my judgment, sent to the parties on 23 May 2022, appears to have galvanised Mr Hathaway into (very) belated action. He, by a letter received at the Tribunal on 25 May 2022, argues that his claim should be allowed to continue as he had been a whistle-blower. He does not address why he failed to comply with the direction and strike out warning made by REJ Freer almost 2 years earlier and provides no real elucidation of his claim.
4. In any event, I decline to reconsider my judgment of 19 May 2022. That judgment gave force to the strike out warning made more than 22 months earlier by another Judge. Mr Hathaway's response to my Judgment does not demonstrate any basis upon which I find that my decision to strike out his claim for being unpursued would be altered; there is, I find, no reasonable prospect of success.
5. Per my earlier Judgment, the claim stands struck out for the reasons previously given.

**Judge M Aspinall on Wednesday, 8th June 2022**

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