



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. Mihailescu

**Respondent:** Care Signature Christian Homecare Services Ltd

## DECISION ON REVIEW APPLICATION

**Held at:** Bury St Edmunds Employment Tribunal (on the papers)

**On:** 28 June 2022

**Before:** Employment Judge Mason

### DECISION

The Claimant's applications for reconsideration of (1) the judgment on strike-out and (2) of Case management Orders dated 22 February are refused.

### REASONS

1. Strike out Judgment

- 1.1 At an Open Preliminary Hearing on 11 February 2022, I refused the Respondent's application to strike-out the Claimant's claim pursuant to Rules 37(1)(a) and/or (b) of the ETs (Constitution & Rules of Procedure) Regs 2013 ("the 2103 Rules") on the basis the claims are vexatious and have no reasonable prospects of success and/or that the Claimant has acted vexatiously and unreasonably in the conduct of these proceedings.
- 1.2 I informed the parties of my decision at the hearing and also provided written reasons in a judgement sent to the parties on 19 February 2022.
- 1.3 On 5 March 2022 the Claimant made an application for reconsideration of the strike out Judgment by email to the Watford Employment Tribunal. Unfortunately, this application was not forwarded to me and I did not have sight of it until 15 June 2022.
- 1.4 Insofar as this is an application to reconsider my decision not to strike out (which is unclear) there is no reasonable prospects of the Judgment on strike out being varied or revoked because it is not necessary in the interests of justice to reconsider the Judgment and there is no reasonable prospect of it being varied or revoked under Rule 70 ETs (Constitution & Rules of Procedure) Regs 2013 ("the 2103 Rules"). It is also perverse for the Claimant to be asking for a decision which went in his favour to be reconsidered.

2. Case Management Orders

- 2.1 Having considered and dismissed the Respondent's strike-out application on 11 February 2022, I went on to list the final hearing, and make case management orders. The Claimant appears to take issue with some of my orders in his application dated 2 March 2022. These were discussed, explained and agreed at the Preliminary Hearing on 11 February which the Claimant attended and was assisted by a Romanian interpreter.
  - 2.2 On 25 February 2022, the claimant made an application for, using the claimant's words, "review (reconsideration) of the Case Management Order/ Case Summary" by email to Watford Employment Tribunal, which again was not actioned and I did not have sight of it until 15 June 2022. This runs to 10 pages and the content appears to be repetition of the arguments/explanations the Claimant put forward at the hearing.
  - 2.3 With regard to documents, on 15 June 2022 Employment Judge Welch relisted the final hearing and considered again with the parties case management and made orders regarding documents and preparation of a file of documents.
  - 2.4 With regard to my order that he could not provide an amended witness statement, my notes show that the Claimant told me at the hearing that he had sent an amended witness statement to the Respondent because he was "confused" and confirmed to me that he had a copy of the bundle at the time he prepared his statement. On this basis, I made an order that the parties amend their witness statements to refer to any documents in the joint file by page number, but not otherwise.
  - 2.5 This application also has no reasonable prospect of being varied or revoked because it is not necessary in the interests of justice to reconsider the Judgment and there is no reasonable prospect of it being varied or revoked under Rule 70 ETs (Constitution & Rules of Procedure) Regs 2013 ("the 2103 Rules").
3. In conclusion, I refuse the Claimant's applications for review because there is no prospect of my decisions being varied or revoked.
  4. The Respondent made an application to strike out the Claimant's claim dated 24 March 2022, and I have listed an open preliminary hearing to determine this. The parties will receive a Notice of Hearing in due course.

Employment Judge Mason

Date: 28 June 2022

Sent to the parties on:

4 July 2022

For the Tribunal Office: