



EMPLOYMENT TRIBUNALS

Claimant: Ms C Israel

Respondent: Capita Customer Management Limited

JUDGMENT

The claimant's application dated **15th December 2022** for reconsideration of the judgment sent to the parties on **7th December 2022 with written reasons sent on 15th December 2022** is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. This was an unanimous decision of the tribunal, made after full consideration of the respective arguments.
2. There is still no indication whatsoever that the Claimant would agree to conduct the trial proceedings reasonably, if the claim were not to remain struck out and the hearing were to resume.
3. The refusal of the strike-out application dated 15th November 2022 was also an unanimous decision of the tribunal, and oral reasons for that preliminary case management decision made in the course of the final hearing were given at the time.
4. Reasons for my refusal of the subsequent application to recuse myself, and also for the refusal upon initial consideration under rule 71 to reconsider that decision on strike out, were again given orally by way of further case management decisions made in the course of the final hearing. The decision on reconsideration was also expressly endorsed by the other members of the tribunal.
5. The Claimant's unparticularized assertion in her email of 23rd November 2022, that the trial was an abuse of process is merely a

repetition of the already refused strike-out application.

6. It is not an abuse of the process for the Respondent to seek to cross-examine upon relevant and admissible documents within the prepared hearing bundle.
7. There is nothing in this application which in fact contradicts the factual basis of the chronology in the judgment. Whatever disputes the Claimant may have had with the Respondent's solicitors, or with the DWP's solicitors, prior to the preliminary hearing on 31st January 2022 are not still material to the disclosure of those documents that are relevant to the issues in the final hearing. The Claimant has still not in her application actually identified any allegedly missing documents, let alone explained why they are relevant to the issues or how their omission prejudices her. She has still not produced documentary evidence of any actual application to the tribunal, following my direction of 9th June 2022, for any further documents in her possession to be included in the bundles. If the Claimant has such documents, it would still of course have been open to her to produce them. Nor after 9th June 2022 has the Claimant made any application for further specific disclosure, save in respect of the single oral application which I refused on 18th October 2022. The Respondent had not "added" any documents to the bundle in the course of the final hearing. As was fully explained to her at the time, the Respondent's solicitor simply indicated that he had brought the full file of correspondence with the Claimant in order to assist in identifying any documents to which she wished to refer in argument and which would not necessarily be on the tribunal file.
8. No further consideration of the so-called "abuse of process point" was, or is, therefore necessary before determining the Respondent's strike-out application. The fact that it was sent by email before the resumed oral submissions were made by counsel for the Respondent (but not in fact brought to the tribunal's attention by the Claimant until afterwards, and then not elaborated upon), does not afford it any priority.
9. The Claimant alludes to other matters in her reconsideration application, which are not relevant to the specific judgment under consideration, namely her unreasonable conduct in refusing to engage with the material documentary evidence: these are not therefore further addressed.

Employment Judge Lancaster

Date 19th December 2022