



EMPLOYMENT TRIBUNALS

Claimant: Ms H. I. Mohamoud

Respondent: Dignity Direct Homecare Ltd

RECONSIDERATION JUDGMENT

1. The application for reconsideration of the judgment striking out the complaints of harassment related to race and harassment related to religion and belief has no reasonable prospect of success and is refused.

REASONS

1. On 9 September 2022, Employment Judge Smith made a deposit order of £5 as a condition of pursuing the complaints of harassment, to be paid within 14 days of the date the order was sent. The order was sent on 7 October 2022. The Claimant did not pay the deposit. On 13 December 2022, I struck-out the harassment complaints for that reason.
2. On 9 January 2022, the tribunal's administration forwarded me an email from the Claimant dated 11 December 2022. It read as follows:

I am currently having a case ongoing, but however I have not been able to meet deadlines that have been requested on my behalf due to personal circumstances that I have been facing or have faced. I attended my GP surgery recently and they have written a medical letter on my behalf to explain my current situation.

I am able to forward this letter and get an extension on the dates that were previously issued by the judge, as I do not want to forfeit this case as I have received an email from Dignity Direct Homecare.

3. It attached a letter from the Claimant's GP surgery giving some medical and other information.
4. On 12 December 2022, the tribunal's administration wrote to the Claimant telling her that she needed to copy her email to the Respondent. On 19 December 2022, the Claimant replied stating that she did not intend to do so because, essentially,

she wanted to keep her medical information private.

5. None of this correspondence was before me or on file when I gave judgment striking out the harassment complaints. I am not sure whether the correspondence is simply a request to extend the date for compliance with case management orders or whether it is also a request for me to reconsider my judgment striking out the harassment complaints. In the circumstances, it is safer if I treat it as both and that is what I do.
6. I have considered the Claimant's email and the attached medical information carefully. I accept that the letter from the GP describes some challenging life issues, some of which might be contemporaneous with the deposit order. However, a high proportion of litigants in the employment tribunal are in the midst of challenging life issues. Neither the GP letter nor the Claimant's emails give any clear, cogent or detailed explanation as to why the deposit order, which was for a very small amount of money which came with a reasonably generous period for payment (particularly in light of the administrative delay in sending out Employment Judge Smith's order), was not paid nor why it took until 9 December 2022 for the Claimant to contact the tribunal.
7. In the circumstances, I do not think the application for reconsideration has any reasonable prospect of success and I therefore reject the application.

Employment Judge

Date 10.01.2023

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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