



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. C Adeola

**Respondent:** (1) Vision on Services GB Ltd (under Rule 21 restrictions) (2) Ian Black

## RECONSIDERATION REQUEST

1. The Claimant has requested a reconsideration of my Order dated 23 January 2023. The Claimant made the application within the 14-day limit and provided additional information as requested.
2. The Claimant failed to attend the hearing on the 23 January 2023 despite a letter from the Tribunal dated 17 November 2023 saying:

*The purpose of the preliminary hearing is (a) to clarify the claim; (b) to clarify the response; (c) to decide whether or not the claim should be struck out; and (d) to decide whether or not Mr. Black's response should be struck out. If either party thinks that an interpreter is needed for the hearing, they must inform the tribunal immediately and specify what language the interpreter should speak. The claim is less likely to be struck out if the claimant attends the hearing and explains his case in a way that the tribunal can understand. Mr. Black's response is less likely to be struck out if Mr. Black attends the hearing and explains his case in a way that the tribunal can understand.*

3. The Claimant, in his reconsideration request says that he was told that it was not compulsory for him to attend. When asked to provide a copy of this letter he provided a copy of the Rule 21 letter, dated 10<sup>th</sup> August, sent to the First Respondent, and copied to the Claimant, which informed them that they may only participate in any hearing to the extent permitted by the Employment Judge who hears the case.
4. I find that this letter was clearly addressed to the First Respondent and not the Claimant. In any event, it did not say that attendance was not compulsory. It also predates the letter advising the Claimant of the purpose of the preliminary hearing and that he should attend to prevent his claim being struck out.
5. Additionally, the Claimant relies on the fact that he lost his biological father in Nigeria during this time, that he was depressed and could not think

straight. He also went home to Nigeria in December for urgent meetings with the family.

6. The Claimant has provided evidence of flights to Nigeria would have him there between 5 December and 22 December 2022. I note that this involved him leaving the United Kingdom after the notice of hearing was received and returning a month before the hearing took place.
7. The Claimant says that he did not attend his doctor about his mental health condition and therefore he has not provided any evidence to support his claim that he had depression.
8. The Claimant has not provided a death certificate for his father, although he does say that as he died at home in Nigeria there is no death certificate, and the family would not have been able to afford one even if it existed. However, he has not provided any evidence at all to support the assertion that his father died, nor has he given a date.
9. Working on the basis that the Claimant's father died no later than 4 December 2022, when he flew to Nigeria to have meetings with the family, I find that there was a significant period of time between the death and the hearing. Whilst the Tribunal is sympathetic to the Claimant and his grief, the Claimant has provided no evidence to show that his mental health was affected beyond that normal in a bereavement situation. I also note that he had over a month following his return to the UK to engage with the hearing and the Tribunal.
10. He made no attempt to contact the Tribunal to seek an adjournment or explain the situation until after the claim had been struck out.
11. The Claimant, whilst going through a tough period of time, was aware that his claim was at risk of being struck out and was explicitly told that it was less likely to be struck out if he attended the hearing. He chose not to do so, and chose not to contact the Tribunal in advance of the hearing.
12. Therefore, I find that there is no reasonable prospect of the original decision being varied or revoked and I refuse the application under Rule 72(1).

Employment Judge **D Wright**

Date 16/03/2023

**Case Number: 2402559/2022  
2402604/2022**

JUDGMENT SENT TO THE PARTIES ON

21 March 2023

FOR THE TRIBUNAL OFFICE