



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr O C Uzomah  
**Respondent:** Durham County Council

## JUDGMENT

The claimant's application dated 15<sup>th</sup> October 2023 for reconsideration of the judgment sent to the parties on 14<sup>th</sup> June 2023 is refused.

## REASONS

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

1. Correspondence was received from the claimant following the Employment Appeal Tribunal, HHJ Beard refusing his appeal against my order of December 2022, it having been reconsidered by me a further deposit order made. On 13<sup>th</sup> June 2023 the claims were struck out because the sums required had not been deposited.

2. The claims were struck on 13<sup>th</sup> June 2023. The claimant made no application for that order to be reconsidered. The recent correspondence has specifically asked for a reconsideration of the strike out.

4. The claimant received correspondence from the Employment Appeal Tribunal on 9<sup>th</sup> October 2023 refusing the appeal because it had been the subject of a reconsideration. As a result of that on 13<sup>th</sup> October 2023 the claimant sent a Postal Order in the sum of £375 to the Bristol Finance Centre to proceed with one of his claims. The claimant does not articulate which one of the four claims he wishes to proceed with. It has been confirmed by the finance centre that the sum has been received.

5. First I note that this application is outside the 14-day time limit of the date the Order was sent to the claimant set down in R 71 of the Employment Tribunal Rules of Procedure 2013.

6. The application only comes before me because the Employment Appeal Tribunal has refused to interfere with my original decision since I went on to reconsider it and change the terms of the order. It is not open to a claimant in such circumstances to now argue they have complied with the order, and they should be permitted to proceed. There must be finality in litigation. Ebury Partners UK Ltd v Acton Davis [2023] EAT.

7. The essence of the application is that it is in the interests of justice, in particular of child R, that the case be reinstated and heard. It is to some extent laudable that the claimant has the interest of a child at heart, however the Employment Tribunal is not the correct forum for such interests to be debated. The Employment Tribunal is ONLY concerned with the rights of the claimant which may have been infringed by the respondent.

8. The claimant raises the issue again of the typographical error. I dealt with this at paragraph 10 of the first reconsideration of the judgment. I accepted the error was mine, but also stated that it should have been obvious to the claimant that it was such an error.

9. The claimant has raised no new factors, save, that he has now paid for one part of his claim to proceed, which would persuade me that the claim should be reinstated. However, the sum should have been paid on or before 23<sup>rd</sup> May 2023. It is too late for the claimant to try and resurrect the proceedings. The application is refused.

Employment Judge AEPitt

Date 8th November 2023