



EMPLOYMENT TRIBUNALS

Claimant: A (subject of an anonymity order)
Respondent: Barclays PLC and others

JUDGMENT

The judgment of the Tribunal is that:-

1. The claimant's application (submitted 21 July 2023) for reconsideration of the decision made on 1 March 2023 to dismiss the claimant's claims for lack of jurisdiction is dismissed.

WRITTEN REASONS

1. On 30 August 2023 the Tribunal considered this matter, on the papers, and made certain case management orders that are set out with written reasons which were promulgated to the parties on 8 September 2023.
2. It is not necessary to repeat all of the background facts that are set out in the reasons of 30 August 2023. In short summary, the claimant has made an application for reconsideration of the Tribunal's decision that his claims against the respondent were brought out of time and could not be heard (see judgment dated 1 March 2023 when oral reasons were given, sent to the parties on 3 March 2023 and associated written reasons, which the claimant later requested that were sent to the parties on 4 May 2023).
3. Just as the claimant's claims were brought out of time, the application for reconsideration was also made well beyond the time limit specified (see paragraphs 6-10 of the 30 August 2023 written reasons). The claimant had not explained the lateness of this application for reconsideration. The Tribunal gave him an opportunity to address this issue by clarifying why it was so late and to provide supporting evidence.
4. In this case, the claimant has previously asserted that the respondents have used technology to, among other things, interfere with the working of his mind and he has had some mental health problems. In paragraphs 16-17 of the 30 August 2023 reasons the Tribunal commented that if either of these factors are relied on then

“cogent, understandable evidence and probably from an independent source” is likely to be required in relation to the technological matters, or medical evidence if mental health is relied on to explain the lateness of the application.

FURTHER MATERIAL PROVIDED BY THE CLAIMANT

5. In response to the case management orders made on 30 August 2023, the claimant has supplied further documents.

6. The claimant sent an email to the Tribunal on 20 September 2023. He wrote,

“The primary reason for my delay lies in the severe and continuous technological impact I've experienced and affecting my ability to make progress with the claim or any related aspects, particularly the processing of content. The impact has been targeted and with the existence of a force trying to stop me from making progress.”

7. He expanded on this (the use of bold, underline and bullet points is the claimant's),

“The impact involves:

- **Audio Impact:** Severe impact from continuous exposure to audio and immersive technologies streaming voices and audio into my head.
- **Heightened Impact with Specific Content:** Exposure intensifies when processing content related to the respondent, its employees, processes, functions, and other disclosable information, all essential components of my claim.
- **Opposing Force and Tone-Like Feature:** Experience an opposing force within my head, characterized by a consistent tone-like feature beneath other voices, creating a negative and distracting situation.
- **Technology's Focus Sensing:** The technology appears to sense my focus on content directly involving the respondent, increasing its interference during such engagement.
- **Variability with Content: Impact** involves voices conflicting with my brain signals and processed content. Less pronounced when working on unrelated content, but highly disruptive when processing material directly related to my claim against the respondent, such as EQA 2010 claims under the just and equitable test.
- **Multi-layered Technological Impact:** Additional layers of technology create an opposing force in my head, involving tone-like features and other instrumental effects, making it extremely difficult to concentrate.
- **Physical Impact:** I've experienced physical sensations, such as pulses and pressures, which add to the difficulty in focusing on my claim.

Description of the voices

- The voices generated by this technology are complex and operate on multiple layers, so I'll do my best to explain them in simpler terms.

- **Initial Layer:** There is an initial layer that generates audible voices in my head, especially when I'm reading content from the screen. To generate these voices, it appears that this layer employs accessibility technologies such as TTL/TTY, and that involve graphics and specialised features. These voices appear to be deliberately generated and coincide with my reading from the screen.
- **Mixed Voices and Instrument-Like Features:** These voices are mixed with other voices and instrument-like features that are artificially generated and audible; they appear to work against the initial layer almost like an offsetting stream of voices playing against me and commenting on what is being processed.
- **Echo-Like Effect:** There is also an echo-like effect generated by interpreting signals from my brain.
- **Immersive Technologies:** These voices are not isolated but are part of a larger immersive technology that has been configured to work against my brain signals and mental processes. Pressure and pulse generation are both involved. Exposure also includes the ability to trap voices inside my head with pulses on my back and pressure features in my head.
- **Physical Impact:** The technology generates physical sensations, such as pulse-like impacts on the head and back. I frequently feel the physical impact on my head and back, experiencing a pulsating sensation on my spine and upper back. This physical impact obstructs my ability to function and generates tension within me. I was exposed to this same technology during my employment, specifically against my use of Microsoft applications, and this exposure occurred while I was in the office, not when I logged in from other locations, such as a coffee shop on the same day. I also recall observing a manager using a pen device in the office, and this coincided with a sensation of movement on my back.
- **Dynamic and Contextual:** The mixed voices are dynamic and repeated, and they react contextually to specific keywords, themes, or content that I am actively engaged with. They often reference names of individuals, places, groups, and countries, and they are designed to work against my brain signals. Some of these voices may sound familiar, connected to individuals in my social circle or family. They are introduced one by one, creating a dynamic and interactive experience. The voices also create a distorted perception of blame and conflict, especially when I try to analyze the exposure and its origins.
- **Amplification:** What's worse is the practical disadvantage I'm up against, which comes from the amplification of the voices. I've been exposed to specialised drivers that can amplify these voices. These drivers specifically target points on my physical body, including my head, and are mainly responsible for the practical impact I've experienced.
- **Impact Beyond Legal Proceedings:** It's essential to recognize that this technology's disruptive influence extends beyond my claim-related efforts. It significantly contributed to my unemployment and even affected me during

job interviews. I've felt physical sensations, such as pulses on my back and head, along with voices or tones that react to specific keywords, especially when discussing my employment experience.

Evidence and Attribution to the Respondent

I have observed that this impact involves specific technologies that can only be attributed to the respondent due to:

- The technological systems deployed by the respondent interfered directly with my personal endpoints. During my time employed, I was granted access and permissions that went beyond the necessary requirements for my role. This access extended to various technologies, including disaster and recovery applications, VDA/PDA, tablet IME, and accessibility technologies, all of which were never disclosed or communicated to me. Moreover, this unauthorised access spanned multiple geographical locations, including Hong Kong, Singapore, Japan, Sydney, and New York. The exposure not only involved access to various technologies within the bank's infrastructure but also extended to my home infrastructure, including adaptors, power sockets, lights, electric equipment, motion sensors, among others.
- Through a detailed analysis of technological flows and data packets, it became evident that the interference was related to technology I was exposed to during my employment with the respondent. The disruptive impacts significantly diminished after I returned the respondent's equipment, which I had stored at a location 25 minutes from my residence. This led to a substantial reduction in the audio disturbances, confirming the role of the respondent's technology (directly or indirectly) in the interference.
- **Equipment and Authentication:** The return of specific equipment to the respondent led to changes in the impact, implicating the respondent in its origination. While the disruptions have reduced after returning the equipment, some adverse impacts still remain.
- **Technology Specifics:** The technology involved includes components related to advanced graphics, authentication methods, content identification, and various protocols (e.g., x500, x509, x400). These are consistent with the systems I had exposure to during my employment with the respondent, further linking them to the source of interference.
- **Text Input Technologies:** From my observations, it appears that this technology feature involves text input technologies that create a layer on the application I'm using. This layer seems to have direct manipulation capabilities via graphics and can identify what I'm processing.
- **Payment Card and Voice Authentication:** I have also noticed specific triggers for this interference, including the presence of my payment card and during voice authentication processes. Both are directly linked to systems and technologies I was exposed to during my employment with the respondent.

- I have shared packets of advanced technologies to facilitate understanding, including the x500, x509, and x400 protocols. I've also provided evidence to support the existence of a flow using Microsoft services and Active Directory, spanning all infrastructure components and contact lists, with services configured against BZW, a Barclays entity. These permissions were added without my knowledge, and I've since been impacted by the list of services and technologies added against my name or identity. There has been no process to revoke or change/return equipment after I disclosed physical health and safety risks associated with the equipment and access to technology flows during my employment. Among these disclosures, I shared details about group policy objects and a Citrix flow with audio and video capabilities, including Skype, after identifying a security issue associated with them and a collaboration suite.
8. The Tribunal has read the above text carefully. It is fair to summarise it as the claimant asserting that he has experienced certain things that have diminished his ability to make progress with his claim. He described experiencing voices, sounds and forces in his head and physical sensations affecting his ability to concentrate. He attributes the cause of these to the respondent. He says: "through a detailed analysis of technological flows and data packets it became evident that the interference was related to technology I was exposed to during my employment with the respondent."
 9. The Tribunal notes that the claimant appears, from this email to be relying on technological points and not his medical condition to justify the lateness of this application.
 10. He has also provided further material via four Google links included in his email.
 11. The first is headed "medical evidence" and links to a 225 page PDF, a bundle of medical notes and related documents. As the claimant is not (per his email to the Tribunal) relying on his medical condition to justify the lateness of the application, these do not appear to have any relevance. Indeed, the latest document in the bundle is notes of a mental health appointment on 14 April 2023 and does not take any further why he delayed submitting his reconsideration application in the summer of this year.
 12. The Tribunal is unable to open the second of the files from the Google links but it is described in a "coversheet" the claimant provided, which I reproduce below verbatim,
 - (2) Technology - Exposure Flow (specific to Application for Reconsideration)
 - New Evidence: Includes new evidence related to technology exposure to clarify the reasons behind the delay in submitting my application for reconsideration. This evidence provides detailed information about the configuration, logs, filesystem breakdown, regkeys, and events related to my exposure to a specific out-of-the-box Experience (OOBE) technology feature.

- OOB Technology: This feature involves exposure to synthetic voices and instruments (MIDI) part of a wider system and its integration with Microsoft's cloud through specialized authentication (packets provided separately) and linked to one of the respondent's entities (BZW) and relied on Microsoft's contact list (see pages 1-6 of Access and Permissions pack).
- Additional Evidence Available: I have collected vast amounts of evidence explaining the flows involved, happy to share additional information if required. Find breakdown below:
 - Pages (1-22): Voice Authentication Events - Details of voice authentication events.
 - Pages (23-78): Remote Access Service (RAS) - Provides an in-depth breakdown of active connections, statistics, and configuration related to authentication methods, IP addressing, and network policies within the RAS.
 - Pages (79-189): Out-of-Box Experience (OOBE) Breakdown - A detailed breakdown of the OOBE, shedding light on its various components.
 - Pages (190-673): Filesystem Analysis for Applications - Offers insights into the file system for applications, covering elements such as Identity service, Bluestacks, Microsoft Office files (including rulesets, symlinks, graphic-specific files, font/topology files), and files related to Smart Screen and Edge.
 - Pages (674-684): Autologger -events records from user-mode and kernel-mode trace providers during the boot process.
 - Pages (685-687): Device Log - Logs from a browser's device, providing relevant information.
 - Pages (688-694): Properties for Processes - Presents properties associated with various processes.
 - Pages (695-795): File System Analysis for Processes - Breakdown of the file system, highlighting processes that interact with application usage, feedback signals, and voice exposure.
 - Page (796): Pen Usage Configuration - Details configuration settings related to pen device.
 - Pages (797-802): Process Elements and Memory Usage - Information on process elements and memory usage, including Activation, RemoteSCMAActivator, WbemServices, WbemWCOSmart, and RemoteSCMAActivator.

- Page (803): Registry Keys for RPC - Provides registry keys associated with Remote Procedure Call (RPC).
 - Pages (804-811): Registry Keys for Smart Card Components - Lists registry keys pertaining to smart card components.
 - Pages (812-877): Breakdown of process files during an audible impact.
13. The Tribunal is unable to make real sense of this summary list. It uses many words that sound like technical terms that might mean something to an IT expert. This is not cogent and understandable evidence, which the Tribunal made clear in the reasons with the 30 August 2023 orders would be required.
 14. The third Google link is to a 3,543 page PDF. It appears to be pages of computer code which has no meaning discernible to the Tribunal.
 15. The fourth Google link is a 179 page PDF. It includes computer code, screenshots of computer settings and copies of emails. The meaning of the code and settings screenshots is not discernible to the Tribunal. The copied emails are from when the claimant worked for the respondent and appear to cover a range of topics including providing a company laptop to the claimant during his employment, an error on a particular piece of software, the claimant reporting “issues with his Outlook” and suggesting he was being monitored in October 2020 and emails generated in connection with various IT problems or issues. None of these appear to have any bearing on the present issue of why the claimant’s application for reconsideration was made out of time.
 16. The claimant has properly copied the material to the respondents whose solicitor has written to the Tribunal (email dated 28 September 2023) to make the simple submission,

“we note that the Claimant has purportedly provided another large amount of evidence in support of his application, the Claimant has failed to explain how this relates to the delay in submitting his application.”
 17. The Tribunal is bound to agree with this submission. How the material provided is meant to related to the delay in making the application is unexplained.

CONCLUSION

18. The claimant has suggested a reason for the lateness of this application to reconsider, namely technological interference with his ability to concentrate. He has produced thousands of pages of material but these do not come anywhere close to providing an understandable narrative and evidential support for the proposition he seeks to advance, that technology was affecting the working of his mind so that he could not work on his case as he otherwise would have done when he submitted his reconsideration application. He does not appear, in his email to the Tribunal, to suggest that he was medically incapable of making his reconsideration application in time, but he has, in any event, supplied a number of medical documents. These

do not appear to pertain to the period when the reconsideration was made out of time.

19. After the claimant's claims were ruled to be out of time (as per the oral reasons given and the written reasons sent the claimant on 4 May 2023) it should have been clear to him that the Tribunal is compelled to operate to legal time limits which can only be extended in certain circumstances and for good cause. Indeed, at the preliminary hearing the claimant was represented by a barrister and he had solicitors who later submitted his request for written reasons. They, no doubt, would have advised the claimant about the possibility of applying for reconsideration and the time limits that apply to that.
20. There is no proper basis on which the Tribunal could lawfully agree to accept the claimant's application for reconsideration so far out of out of time.
21. Consequently, the application for reconsideration must, as a matter of law, be dismissed.
22. The Tribunal is mindful of the claimant's welfare and that he had a mental health appointment in April of this year and wishes him well for the success of the treatment and support referred to in the medical notes of that appointment.

Employment Judge A Hook

20 October 2023

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