



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M A Hassan

**Respondents:** (1) Barts Health NHS Trust  
(2) Dr S Ryan  
(3) Mr M Pantlin

**In chambers:** 8 February 2024

**Before:** Judge Barry Clarke  
President of Employment Tribunals  
(England & Wales)

## RECONSIDERATION

The claimant's application for reconsideration is refused.

## REASONS

1. By a reserved judgment sent to the parties on 28 December 2023, I struck out the claimant's remaining live claims before the Employment Tribunals. The claimant has since applied for a reconsideration of that judgment in accordance with rules 70 and 71 of the Employment Tribunals Rules of Procedure. His application was set out in a 205-page document dated 9 January 2024 but sent to the tribunal at 00:50 on 12 January 2024. It arrived shortly after a lengthy email from the claimant sent at 00:28 on 12 January 2024, which had been circulated to multiple recipients (including various MPs and other organisations), itself dated 1 January 2024, described as "Official Disclosures under the Public Interest Disclosures Act 1998". The 205-page document was said to be "part one" of his application for reconsideration, with "part two" to follow. Numerous further emails from the claimant and his brother (including those mentioned below) have not contained a "part two".
2. The claimant copied his application for reconsideration to the solicitors representing the respondents. They replied to contend that his application had been submitted outside the time limit specified by rule 71. This provides

that an application must be presented “*within 14 days of the date on which the [judgment] was sent to the parties*”.

3. Separately, during January 2024, the claimant’s brother sent numerous items of correspondence to the tribunal and/or to my office referring to his complaint of judicial misconduct against Regional Employment Judge Taylor (see paragraph 73 of my reserved judgment) and to his ongoing High Court proceedings against me, REJ Taylor, Judge Brian Doyle and various others (see paragraph 76 of my reserved judgment). That correspondence has little or no relevance to the claimant’s application for reconsideration and so I make no further reference to it.
4. The first issue to consider is whether the claimant’s application for reconsideration was received outside the applicable 14-day time limit.
5. The solicitors for the respondents have observed that, in this case, the 14-day time limit ended on 11 January 2024. In his reply, the claimant noted that the tribunal emailed the judgment to the parties at 16:42 on 28 December 2023. He referred to rule 6.26 of the Civil Procedure Rules, which provides that, where electronic communications are sent after 16:30 on a business day, they are deemed as having been served on the next business day. In his case, that would have been 29 December 2023. That being so, he has contended that the 14-day time limit expired on 12 January 2024, such that his application was in time. Unnecessarily, but with wearying predictability, the claimant contended that the objection by the respondents’ solicitors was to cover up their criminal conduct and to achieve various criminal objectives.
6. I note the following further provisions in the rules:
  - 6.1 Rule 4(1) provides that, where an act is to be done by a particular day, it may be done “*at any time before midnight on that day*”.
  - 6.2 Rule 4(3) provides that, where any act is required to be done “*within*” a certain number of days of or from an event, the date of that event shall not be included in the calculation.
  - 6.3 Rule 4(6) provides that, where time is specified by reference to the date when a document has been “*sent to*” a person by the tribunal, the date when the document was sent shall, “*unless the contrary is proved*”, be regarded as “*the date endorsed on the document as the date of sending or, if there is no such endorsement, the date shown on the letter accompanying the document*”.
  - 6.4 Rule 86(1)(c) permits the tribunal to serve documents by electronic communication.
  - 6.5 Rule 90 provides that, where a document has been sent by means of electronic communication in accordance with rule 86, it shall “*unless the contrary is proved*”, be taken to have been received by the addressee “*on the day of transmission*”. Parliament has therefore

chosen, in respect of the Employment Tribunals, not to replicate the approach described at CPR 6.26.

7. I have concluded as follows:
  - 7.1 The date endorsed on the communication from the tribunal was 28 December 2023; the claimant has not proved the contrary. He received it on the day of transmission; he has not proved the contrary.
  - 7.2 The date of 28 December 2023 is to be discounted in the calculation. In this case, the count of 14 days ran from 29 December 2023. By that approach, the final date to apply for reconsideration was indeed 11 January 2024.
  - 7.3 The claimant had until midnight on 11 January 2024 to apply.
  - 7.4 There is no equivalent rule in the Employment Tribunals that, if a document is sent by email after 16:30, it should be deemed as sent the following business day.
  - 7.5 As his application was sent at 00:50 on 12 January 2024, he was 50 minutes late.
8. The second issue is whether I should extend time.
9. Rule 5 provides that the tribunal may, on its own initiative or on the application of a party, extend or shorten any time limit specified in the rules. Rule 6 also empowers the tribunal to “*take such action as it considers just*” in the event of a failure to comply with any provision of the rules.
10. In this case, the claimant has provided no explanation for why his application was sent 50 minutes late; nor has he applied for an extension of time. I infer that he was working on it for some time; quite apart from its length, it bore the date of 9 January 2024. I note that he had also been working on various other documents sent to the tribunal, including the lengthy email that arrived earlier described as “Official Disclosures under the Public Interest Disclosures Act 1998” (and dated 1 January 2024). He was not operating under pressure of time. His only explanation for the timing of his application is as follows:

**... since some emails are not received within time, the claimant was keen on sending his email for serving this application one day earlier (so as to allow time for re-sending the application in case of the lack of acknowledgment of receiving the email by which the application was served).**
11. He then refers to an email from my office, sent at 13:53 on 12 January 2024, confirming receipt of his email. He appears to have taken this as acceptance that he applied for reconsideration within the prescribed time limit. An email of receipt implies no such thing.

12. In the absence of any explanation from the claimant for why his application was 50 minutes late, I see no reason to extend time on my own initiative. Consequently, his application for reconsideration is rejected on the basis that it was late and there is no proper basis for extending time.
13. The third issue arises only if I were wrong about the above. What if the claimant's application had been made within the 14-day time limit?
14. Rule 71(2) provides that, if I consider that "*there is no reasonable prospect of my [reserved judgment] being varied or revoked ... the application shall be refused*" without the need for a hearing.
15. Looking at the substance of the application, it is very much of a piece with the correspondence from the claimant as described throughout my reserved judgment. He has sought to argue his case afresh. His attached documents include, among other matters, repeated allegations that EJ Henderson is a "fraudulent" judge; copies of previous judgments and orders that are "evidencing the fraud in Barts NHS Trust"; and further reference to the CCTV evidence of the incident on 7 February 2019 and how it does not corroborate what was said by various witnesses in the context of the criminal investigation or the criminal proceedings. His application contains accusations of fraud against every court and tribunal with which he has been involved. A document comparison exercise reveals that he has copied and pasted much of what he said at the last hearing. He has not set out any basis on which I might properly reconsider my judgment beyond the title of his application.
16. Accordingly, even if the claimant's application had been made within time (or if I had extended time), I would have refused it on the basis of there being no reasonable prospect of my judgment being varied or revoked.

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Judge Clarke, President  
Dated: 9 February 2024

RECONSIDERATION DECISION SENT TO THE PARTIES ON

.....9 February 2024.....

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FOR EMPLOYMENT TRIBUNALS

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