



EMPLOYMENT TRIBUNALS

Claimant: Miss S Messi

Respondent: Coremont Partnership Services Limited

JUDGMENT

The claimant's application dated 3 January 2024 for reconsideration of the judgment sent to the parties on 3 January 2024 is refused.

REASONS

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

1. Whilst it is correct, as stated by the claimant in her email, at point (1) that her claims were struck out before a liability hearing, the Tribunal has the power to do so in an appropriate case under rule 37(1) of the Employment Tribunals Rules of Procedure 2013.
2. I directed myself on the relevant law and, in particular, had firmly in mind that it will generally not be appropriate to strike out a complaint, especially in relation to discrimination or whistleblowing, where the central facts necessary to prove the case are in dispute; and that I should take the claimant's case at its highest. I had full regard to the fact that the claimant is a litigant in person.
3. For the reasons set out in the Judgment and Reasons, I concluded that the pleaded claims had no reasonable prospects of success and so fell to be struck out. As I noted in my Reasons, the time and resources of the tribunals ought not to be taken up by having to hear evidence in cases which have no reasonable prospects of success. The claimant is, therefore, wrong to state – in point (3) of her application for reconsideration – that tribunals “have to give opportunities for a litigant in person to present their claims and not strike out claims before hearing it first”. That is not the case where, as here, the claims are without merit.

4. The claimant says that there was an error of law because she had to wait 4 months for my decision from the date of the hearing in October 2023 which she considers to be an unreasonable amount of time. The hearing was on 18 October 2023 and the Judgment and Reasons were sent to the parties on 3 January 2024 (so two and half, not four months, after the hearing).
5. As the claimant knows, I had to reserve my decision as there was insufficient time within the listed hearing (of 3 hours) to deliberate and then determine the claimant's last minute and wide-ranging application to amend and the respondent's applications for strike outs and/or deposit orders. I concluded writing up my decision and written reasons on 4 December 2023, seven weeks later. Due to workload and annual leave over Christmas and New Year, there was a slight delay in the Judgment and Written Reasons then being promulgated to the parties, on 3 January 2024. Whilst I understand the parties' desire to receive my Judgment and Reasons sooner, I do not consider the time taken to have been unreasonable nor so unreasonable as to constitute an error of law.
6. The claimant says that I did not examine the evidence produced by her and, instead, focused on evidence allegedly "fabricated" by the respondent. She has not identified which piece of evidence was alleged to have been fabricated by the respondent. She did not allege at the hearing that documents relied on by the respondent had been fabricated. In any event, I considered with care all the evidence before me and gave the claimant opportunities to provide further information/documentation during the course of the hearing. There were and are no grounds for concluding that any of the documents provided by the respondents had been "fabricated" as now alleged by the claimant in her application for reconsideration.

Employment Judge McCann

Date __10th January 2024_____