



# EMPLOYMENT TRIBUNALS

**Claimant:**

Mr W Maseke

v

**Respondents:**

Telefonica Uk Limited (1)  
Telefonica (O2) (2)  
The Outer Temple (3)  
Shoosmiths LLP (4)  
Ministry of Justice/Secretary of  
State for Justice/Lord or Lady  
Chief Justice (5)

## JUDGMENT

1. The claimant's application for an extension of time for his second reconsideration application (dated 24 January 2024) is refused.
2. The second reconsideration application is refused as it was not brought within the necessary time limit.
3. The claimant's application for an extension of time for his applications of 9 February 2024 is granted.
4. The claimant's applications of 9 February 2024 are refused, to include a refusal of any application for reconsideration on the basis that there is no reasonable prospect of the original decision being varied or revoked.

## JUDGMENT

### The second reconsideration application

1. On 18 January 2024 the claimant made an application for reconsideration of my judgment of 10 November 2023 which was promulgated to the parties on 5 January 2024. I will call this the first reconsideration application.
2. On 25 January 2024 I prepared a judgment refusing the first reconsideration application. I will call this the first reconsideration judgment. On the same date I prepared an order addressing apparently contradictory matters that had arisen in case no. 3307733/2023. These were promulgated on 8 February 2024.
3. The claimant has written to the tribunal on both 24 January 2024 and 25 January 2024.

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4. The email of 24 January 2024 includes an attachment headed "*application for extending time for reconsideration on the judgment of 10.11.2023 and further application for revoking/setting aside the said judgement*". I will call this the second reconsideration application.
5. The primary point made by the claimant in that application is that the Ministry of Justice or Secretary of State for Justice is not included in the title of my judgment of 10 November 2023.
6. The claimant describes this as "*a very serious error which would render the judgment null/invalid*". He expresses his concern that if the judgment were to be revoked and ultimately succeed in his claim(s) the omission of the Secretary of State from the title of the judgment of 10 November 2023 would mean that if he could not obtain judgment against the Secretary of State.
7. From para 24 onwards the claimant appears to be making further points about the relationship between my judgment and REJ Foxwell's order. The position on that has been addressed in the first reconsideration judgment and accompanying order, which the claimant would not have had at the time of writing.
8. Whether the email of 25 January 2024 contains any actual application is unclear to me, but the claimant again points out that the name Ministry of Justice/Secretary of State for Justice (perhaps also Lord or Lady Chief Justice) is missing from the title of the judgment of 10 November 2023.
9. As the claimant identifies, the second reconsideration application was made on 24 January 2024 and is brought outside the usual time limit for reconsideration of a judgment promulgated on 5 January 2024, so the first question is whether or not I should extend time.
10. The basis of the application for extension of time is that due to ill health the claimant did not initially spot the omission of the Ministry of Justice from the title of the judgment. I do not accept that as a good reason for extending time. The claimant's ill health did not prevent him being able to make his first reconsideration application in time, and not spotting the omission earlier is not a reason for me to extend time. In reaching this decision I have also considered the underlying merits of the application. The claimant is correct that the title omits the name Ministry of Justice (or similar) as a respondent. However, I think the judgment is clear in striking out the claims and does not require any amendment of the title section. The claimant's concerns about what may happen if there is any reinstatement of his claim(s) are misconceived.
11. Whatever is done about this omission it cannot be what the claimant is seeking: revocation of the judgment. I acknowledge the omission of the name of the Ministry of Justice from the title but do not think this affects the underlying judgment. If any party considers that the addition of the Ministry of Justice, Secretary of State for Justice or Lord or Lady Chief Justice to the title is

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necessary or desirable they can apply for a correction under rule 69, but that is the appropriate application, rather than an application for reconsideration.

12. In an attempt to avoid further applications on this point I have included the Ministry of Justice and variations of that in the title to this application. I hope that this will not prompt further applications on the basis that I have misnamed any relevant party.

### The third reconsideration application

13. By the time these matters were referred to me there was a third reconsideration application, submitted by the claimant on 9 February 2024. This is said to be based on "*extremely serious criminal conduct by respondents*", although it is not immediately clear which respondents he had in mind. I note the claimant says that the Minister for Justice has been a victim of this conduct, so it seems unlikely that the claimant had the Ministry of Justice or any associated respondents as perpetrators of this alleged criminal conduct.
14. At para 4 of this application the claimant frames his application in broad terms. It is any of (i) an application for reconsideration of my first reconsideration judgment (which would be within time), (ii) an application for reconsideration of the original judgment (with associated application for extension of time), and (iii) an application in relation to REJ Foxwell's order (but it is not clear what that application is).
15. At first the claimant does not address the alleged criminal conduct, but talks of failures arising in case no. 3307733/2023 and of orders under rule 21. I consider those have been fully dealt with in my first reconsideration judgment and the order accompanying it.
16. The substance of the claimant's application appears under the heading "*further application pursuant to rule 37(1) following latest evidence of hacking by first and second respondents (and others, vicariously)*". The claimant says that on 21 January 2024 he discovered "*a hack onto my personal computer*" involving VirginMedia using a "passkey" but, he says "*I can't go into any details about how this has been done*". The claimant goes on to repeat the multiple difficulties he has had in attempting to conduct his claims. He seems to suggest that the tribunal's systems may also have been accessed by some of the respondents, although it is not at all clear how this could occur and the claimant does not suggest how it occurred.
17. The claimant's application says this was only discovered by him on 21 January 2024. It was not necessarily something he would have known about previously, in which case I consider it appropriate to extend time on the question of any reconsideration of the original judgment.
18. Appendix A and B to the claimant's claim are screenshots from the Accounts/Passkeys setting on the claimant's computer, showing one passkey with the reference "oauth.virginmedia.com".

**Decision on the third reconsideration application**

19. I have decided this without calling on any of the respondents for a response. The claimant's allegations of hacking seem to me to be improbable and I do not see the presence of a passkey apparently from one of the respondents as being an indication that they have hacked into his computer. However, I can decide the application without coming to a concluded view on that.
20. First of all, there is nothing the first reconsideration decision nor even in the original judgment that depends on the claimant's computer having been hacked or not hacked. There is no reasonable prospect of either decision being varied since neither decision depends one way or another on whether the claimant has or has not been hacked.
21. What this application really is is made clear by the title the claimant gives to the section addressing it. It is an application under rule 37(1) to strike out the respondents' (or some of their) responses. That cannot have any effect in circumstances where the claimant's claims have previously been struck out.

**Employment Judge Anstis**

Date: 16 February 2024

Judgment and reasons

Sent to the parties on: 23 February 2024

For the Tribunal Office

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**SCHEDULE OF CLAIMS**

3313184/2020  
3306767/2021  
3300036/2022  
3305682/2022  
3302475/2023  
3305951/2023  
3307733/2023