

Neutral Citation Number: [2024] EAT 69

Case Nos: EA-2022-000688-AT  
EA-2022-000689-AT  
EA-2022-001278-AT

**EMPLOYMENT APPEAL TRIBUNAL**

Rolls Building  
Fetter Lane, London, EC4A 1NL

Date: 30 April 2024

**Before:**

**HIS HONOUR JUDGE JAMES TAYLER**

-----  
**Between:**

**MR LORENZO RAMOS**

**Appellant**

**- and -**

**(1) NOTTINGHAMSHIRE WOMEN'S AID LIMITED**  
**(2) MS A J BLOOMER**

**Respondents**

-----  
-----  
**RULE 3(10) APPLICATIONS – APPELLANT ONLY**

Hearing date: 24 April 2024  
-----

**JUDGMENT ON RECUSAL APPLICATION**

**HIS HONOUR JUDGE JAMES TAYLER:**

1. At 11.29 on 29 April 2024, the EAT notified the parties by email that judgment in respect of Mr Ramos' Rule 3(10) applications would be handed down this morning, 30 April 2024.
2. At 15.55 on 29 April 2024, Mr Ramos sent an email addressed to the President asking that I be recused from the hearing on 24 April 2024 and seeking to complain about me.
3. Section 1.5.3 of the EAT Practice Direction 2023 explains that a party cannot insist that another judge deal with a matter, particularly that the matter be dealt with by the President.
4. By the time the application was received the order and judgment had been finalised. The versions handed down have not been changed as a result of this application.
5. An email was sent to Mr Ramos on my instruction stating "His Honour Judge Tayler has already determined the Rule 3(10) applications and the judgment will now be handed down." Mr Ramos has also been informed how to make a complaint about judicial conduct.
6. I cannot recuse myself from hearing a matter that I have already heard. While it might be argued that having decided the matter I am now functus, on reflection I concluded that there is a possibility of a judgement being altered or revoked prior to handing down and/or the order being sealed.
7. After I had reached that conclusion an email from Mr Ramos was forwarded to me asserting that "As long as the judgment has not yet been sent to the parties Judge Tayler can still recuse himself, Hence, I would like that Judge Tayler replies to my application for recusal of today." I consider that assertion is arguable and it is clear that Mr Ramos wishes me to consider it. Therefore I have considered and determined the application prior to hand down and the order being sealed.
8. I do not consider there is any basis for recusal.
9. The Order that will be sealed and the judgment on the Rule 3(10) application are exactly as they were before this application for recusal was made. That is why I am dealing with

the recusal application in a separate Judgment.

10. Mr Ramos states “Judge Tayler made the parties to wait for twenty minutes in the courtroom before he arrived which was rude, disrespectful and selfish”. It is correct that I was a little late coming into the hearing room. Mr Singh, acting under the auspices of ELAAS, introduced himself. He did not ask that the start of the hearing be put back. I explained my delay. Mr Ramos had submitted lengthy submissions at 06.33 on the day of the hearing. I read them once I arrived at court notwithstanding that they amounted to a skeleton argument that was not submitted in accordance with the EAT Practice Direction. Mr Singh had sent a skeleton argument by email that, understandably as he was acting under the ELAAS scheme, was received very shortly before the hearing, at 10.10 and was forwarded to me at 10.15. I explained that I had needed a little time to look at them and checked that the authorities I had asked to be sent to Mr Ramos had been received. At that point I noticed that Mr Ramos was not present so asked whether he was not attending. I was then told that he had gone to the toilet. I said that we should await his return and left the courtroom. When Mr Ramos returned I went back into court. No extra time was requested. I assume Mr Ramos was told what had happened. I do not consider the delay to the start of the hearing provides any basis for recusal.
11. I provided two EAT authorities in two of Mr Ramos' EAT appeals. I considered that they are relevant for the reasons explained in my judgment on the Rule 3(10) applications. There was no request for further time to consider the authorities or for an explanation of their relevance. The relevance is self-evident. Mr Ramos must have read the judgments. Mr Ramos states that “These two authorities concerns two appeals that I could have brought”. Mr Ramos specifically accepted that he was the appellant in both authorities and the claimant in the claims referred to in the judgment that was the subject of the appeal rule 3(10) Applications I heard.
12. Mr Ramos alleges bias because he previously complained about me in 2022. Mr Ramos did not ask that I recuse myself at the hearing because he has previously complained about

me. Now that Mr Ramos has raised the matter, I have checked the records as I did have some recollection of a complaint. The complaint was made in respect of my sift decision in the **Lady Coco** case. I had not until I looked at the records recollected I had sifted that appeal, but I have sifted a significant number of appeals submitted by Mr Lorenzo Ramos using that name, and as Mr Lorenzo Garcia. The complaint was submitted on 11 March 2022. I only knew about the complaint because Mr Ramos copied me into an email dated 18 April 2022 chasing progress of the complaint and including the complaint in the email chain, somehow having discovered my direct judicial email address and improperly emailing directly. I assume that the complaint must have been dismissed as I heard nothing further about it. The complaint related to my comment in my sift reasons that “If the claimant seeks to challenge this determination he should provide full particulars of all appeals he has brought to ensure that the appeals are dealt with proportionately in accordance with the overriding objective”. I consider that it was legitimate that I required Mr Ramos to give full particulars of all the appeals that he had brought. I do not know whether he complied with that direction, but expect not as there is no reference to his having provided that information in the judgment of Mrs Justice Eady.

13. I was listed to hear this appeal in the usual way and did not request that it be listed before me as Mr Ramos suggests may have been the case.
14. The application for recusal is refused. I consider it is totally without merit and is another example of Mr Ramos' vexatious behaviour in his claims in the Employment Tribunal and appeals to the EAT.