



EMPLOYMENT TRIBUNALS

Claimant: Mrs H Kinch

Respondent: Compassion in World Farming International

JUDGMENT

The application for costs is dismissed.

REASONS

1. The respondent in an application dated 31 January 2024 makes an application for costs. The claimant was invited to respond to the application but has not done so and has not asked for a hearing to take place. The claimant has had a reasonable opportunity to make representations. I am satisfied this application can be fairly dealt with in writing without the need for a hearing at which the parties attend.
2. The respondent's application for costs is made following my decision to strike out the claimant's complaint on the grounds it had no reasonable prospect of success. My reasons for striking out the complaint and refusing the application for a reconsideration are now a matter of record (see judgments sent to the parties on 4 January 2024 and 28 February 2024) and I do not repeat them here.
3. I am satisfied that the claim for constructive dismissal had no reasonable prospect of success for reasons explained in the strike out judgment. Notwithstanding this conclusion I am not satisfied that the claimant has otherwise conducted the proceedings unreasonably. While the gateway to a costs order has been crossed I am not satisfied that it is appropriate to make an order for costs against the claimant simply because I formed the view that case could not succeed. The claimant has not otherwise conducted the proceedings unreasonably.
4. The fact that I refused the application for reconsideration was not in my view any indication of unreasonable conduct it was merely wrong and not capable of succeeding.

5. Having regard to all the circumstances I am of the view that this is not an appropriate case to make an order for costs against the claimant.

Employment Judge Gumbiti-Zimuto

Date: 14 March 2024

Sent to the parties on: 9/4/2024

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For the Tribunals Office

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