



EMPLOYMENT TRIBUNALS

Claimant: Ms B Oltean

Respondent: Cambridgeshire and Peterborough NHS Trust

UPON THE CLAIMANT'S APPLICATION pursuant to rule 71 of the Employment Tribunals Rules of Procedure 2013 for reconsideration of the Judgment delivered orally on 18 March 2024 and sent in writing to the parties on 9 April 2024.

JUDGMENT on RECONSIDERATION APPLICATION

1. The Claimant is granted an extension of time to 4 June 2024 to make her application for reconsideration.
2. The Tribunal determines that a hearing is not necessary in the interests of justice.
3. The Claimant's reconsideration application is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked for the following reasons:

- (1) At a hearing on 18 March 2024, I struck out the Claimant's claim against the Respondent because it had no reasonable prospect of success. The Claimant did not attend the hearing though had written a significant number of emails to the Tribunal in the weeks leading up the hearing. As I noted in my Judgment, my clerk made contact with the Claimant by phone shortly after 10am, when the Claimant stated that she would join the hearing. In the event she failed to do so. In my judgment I set out the reasons why I decided to proceed in the absence of the Claimant, including that I thought it highly unlikely that anything the Claimant might have said had she attended the hearing would have added anything further in terms of what she had previously said and written, or bring any further clarity in terms of her claims against the Respondent.
- (2) On 22 May 2024 the Claimant emailed the Tribunal. She wrote, amongst other things:

"I have reason to believe as the sole claimant victim, I have suffered detriment as a consequence of the case being criminal classified."

The Claimant went on to refer to not having the means (by which I understand, the technical means) to access the hearing.

(3) The Claimant emailed the Tribunal again on 3 June 2024. Her email is consistent with her various other emails, a number of which I referred to in my Judgment striking out her claim. She disclosed that she had been rehospitallised on 23 April 2024, where she remained. The hospital in question, Fulbourn Hospital is a mental health facility.

(4) The Claimant sent a similar email to the Tribunal on 4 June 2024 in which she asked the Tribunal to,

"... reconsider acknowledging my case"

(5) Later on 4 June 2024 the Claimant submitted:

"an appeal for a rejudgement to the communication from the employment tribunal judge".

She said that she had been severely physically ill and mentally unwell since 18 March 2024.

(6) Further similar emails have ensued. The Claimant has also copied the Tribunal into correspondence with the police.

(7) Rule 70 of the Employment Tribunal Rules of Procedure 2013 empowers the Tribunal, either on its own initiative or on the application of a party, to reconsider any judgment where it is necessary in the interests of justice to do so. Under Rule 72(1), an Employment Judge may determine an application without a hearing if they consider that there is no reasonable prospect of the original decision being varied or revoked.

(8) I shall treat the Claimant's emails of 4 June 2024 as an application under Rule 70 for reconsideration of the Judgment striking out her claim. Ordinarily, any such application should be made within 14 days of the day that any written reasons for the decision are sent to the parties. Whilst therefore the application should have been made on or before 23 April 2024, given the Claimant's health issues and hospitalisation, in the exercise of my discretion I shall permit the application to be made out of time.

(9) The starting point clearly has to be the decision I reached on 18 March 2024. I provided written reasons for my decision. Should these be examined on appeal, it would be for the Employment Appeal Tribunal to say whether those reasons and my decision can stand.

(10) It is apparent that the Claimant continues to experience significant mental ill-health. Her various emails reinforce my previous observation that her perception of events does not accord with the objective reality and that whereas the Claimant believes the Respondent to be responsible for her current situation, she is in fact experiencing dysregulated emotions and perceptual distortions which are impacting her perception of how she has been treated by the Respondent and others. Nothing she has written since 22 May 2024 alters the conclusions I reached in her absence on 18 March 2024. In my judgement, there remains no realistic likelihood of the Claimant bringing any further clarity to bear in terms of any claim she might make, which I continue to regard as without foundation and bound to fail. It is not necessary in the interests of justice to reconsider the strike-out Judgment. The Claimant's application for reconsideration of the Judgment has no reasonable prospect of success and is refused.

Employment Judge Tynan

Date: 17 July 2024

Sent to the parties on:

...26 July 2024.....

For the Tribunal:

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