



EMPLOYMENT TRIBUNALS

Claimant: Mr A Ikeji

Respondents: (1) Office for Rail and Road
(2) Mr D Wilson
(3) Mr M Farrell
(4) Ms V Rosolia

Heard at: East London Hearing Centre

JUDGMENT ON COSTS RECONSIDERATION APPLICATION

The judgment of the Tribunal is that:-

The application for reconsideration of the Costs Judgment is refused under Section 72(1) Employment Tribunal Rules 2013. There is no reasonable prospect of the original decision being varied or revoked.

WRITTEN REASONS

1. The first ground on which the Claimant seeks to challenge the Tribunal's decisions is that the Tribunal "overlook[ed] germane and pivotal documentary evidence before it, that supports my application", thereby wrongly concluding that he had acted vexatiously and abusively in his correspondence with the Respondent's solicitors. He argues that the Tribunal was wrong to suggest that he did not rely on Victoria Rosolia's statement during the Final Hearing. He says that paragraph 170 of his witness statement mentions this statement and shows why it is relevant.
2. Far from explaining the relevance, this paragraph in the Claimant's witness statement makes it clear that Ms Rosolia's witness statement relates to a different dispute in another employment tribunal claim which is still live. The reconsideration application does not show why there is any error in the statement in the Tribunal's reasons he specifically challenges, namely that "the Claimant chose not to cross examine her on the document and it was not specifically relied upon by the Claimant in any event". The Claimant has no real prospect of establishing that the original costs decision should be varied or revoked on this basis.
3. The Claimant contends that the Tribunal completely overlooked the Respondent's failure to comply with paragraph 5.3 of Employment Judge Russell's order. That was

the part of her order specifying the deadline for producing a bundle of documents. This issue was reviewed at paragraphs 8 and 10 of the Cost Reasons. The Tribunal clearly had in mind that the Claimant chose to prepare his own bundle as a result. It was not overlooked.

4. Further, the Tribunal did read the entire correspondence bundle so as to gauge whether the Claimant's contributions to that correspondence should be found to be vexatious and abusive; and to fully understand the issues being raised in correspondence. As a result, the Tribunal did not overlook the Claimant's communications with the Tribunal.
5. Sufficient reasons have been given to enable the Claimant to know why his applications for a preparation time order or a wasted costs order was unsuccessful. This was explained at paragraphs 2 to 17 of the Written Reasons. It is the Respondent's costs application that is discussed at paragraph 18 onwards. The italicised and underlined text relates to an aspect of the Tribunal's consideration of the Respondent's costs application, not the Claimant's applications. The Tribunal's characterisation of the Respondent's costs warning letter on 21 March 2024 as a litigation tactic did not require it to reach the same conclusion in relation to the preparation of a consolidated bundle on 24 March 2024. The Tribunal dealt with the consolidation bundle in paragraph 11 of the Costs Reasons.
6. Even if the Tribunal was incorrect to state that the Respondent updated themselves the cross references to new pagination in the consolidated bundle – as the Claimant asserts, and on which these Reconsideration Reasons do not comment – this does not indicate that there is a real prospect that the Tribunal's costs conclusions will be varied or revoked.
7. The remainder of the matters raised by the Claimant under point 2 do not indicate that there is a real prospect that the Tribunal's costs conclusions will be varied or revoked.
8. So far as the Claimant's third point is concerned, about his ability to pay, the Tribunal had to assess this as best it could in circumstances where the Claimant had deliberately chosen not to provide the Tribunal with detailed information about his current financial means. This is discussed in paragraphs 55 to 62 of the Costs Reasons. It is not for the Tribunal to provide a timescale for paying such a costs order in instalments, particularly where he had not applied for this himself.
9. For these Reasons, the Claimant's application that the Tribunal should reconsider its costs judgment is dismissed.

**Employment Judge Gardiner
Dated: 23 July 2024**