



EMPLOYMENT TRIBUNALS

Claimant: Liviu-Constantin Zdroana

Respondent: Willmott Dixon Holdings Ltd

Heard at: Bristol (by video) **On:** 29 August 2024

Before: Employment Judge Housego

Representation

Claimant: Did not attend

Respondent: Keith Williams of Greenwoods Solicitors

JUDGMENT

The claims are struck out.

REASONS

1. The Claimant filed his ET1 on 19 January 2024. He claimed disability discrimination by the Respondent arising from his claimed employment as a handyman and its termination by the Respondent. The details of the claim in box 8.2 do not contain a comprehensible disability discrimination claim. It appeared from those details that there was an incident with what the Claimant described as another subcontractor which he says resulted in him being summarily dismissed on 07 January 2024 for violent conduct.
2. In the additional information box at 15 of the ET1 the Claimant added further paragraphs which are incoherent but seek detailed investigation although it is unclear what is sought to be investigated.
3. The Claimant did not specify any disability, but did refer to Swindon Mental Health Team. There is an absence of any indication of physical disability (box 12 of the ET1 asks if the Claimant has any disability and he has ticked “no”). Given the nature of the claim form, and the subsequent correspondence which also frequently refers to the Swindon Mental Health Team, it seems likely that

the Claimant says that he has a mental health disability.

4. On 30 January 2024 the Claimant emailed the then Prime Minister about his claim. The letter is incoherent.
5. The Claimant then sent over 30 emails to the Employment Tribunal over the next month or so. None are coherent or advance the claim, and some are lengthy, for example on 07 March 2024 8 pages were sent none of which appeared to have anything to do with a disability discrimination claim relating to a dismissal.
6. The Respondent's ET3 was filed on 11 April 2024. It explained that the Claimant was not an employee of the Respondent but employed by a firm they retained to do work for them. He had become increasingly aggressive before his connection with them was terminated, and even more so afterwards, with threatening emails, one of over 100 pages, and another emailed to 60 recipients. The Respondent pointed out that the Claimant referred to himself as self-employed so that there would be no jurisdiction for a disability discrimination claim.
7. On 26 July 2024 the Respondent requested that a Case Management Hearing listed in private for 29 August 2024 be converted into a public hearing at which it would apply for the claims to be struck out.
8. On 28 July 2024 the Claimant requested all hearings be in person. It was not possible to discern whether that email objected to the request for a public hearing or not.
9. In a further email of 29 July 2024, the Claimant wrote a lengthy email to the Tribunal asserting that Wiltshire Police were corrupt, as were various senior judges and the former Attorney General, Sir Robert Buckland, and making an unspecified complaint against Swindon Mental Health.
10. On 06 August 2024 Employment Judge Livesey converted the hearing from a private hearing into a public hearing to consider the Respondent's applications under Rules 37 and 39 to strike out the claims or to order a deposit to be paid.
11. On 20 August 2024 the Claimant emailed a large number of people, including the Prime Minister, Wiltshire Police, the Guardian newspaper, Bath Spa Student Union. In this email the Claimant appears to wish to add Global Banking School welfare department (it appears that he is a student there), CPS Wiltshire, Swindon Mental Health Team, and many others.
12. On 28 August 2024 the Claimant emailed the Employment Tribunal stating that:

"I need to be quite clear with this ,there is appeal on pending to EAT London and further Judges could apply any layers of decisions satisfied the letter of the law in their future judgements, whatever whenever is going to be like, and we are not anymore to ET BRISTOL."

This is not entirely clear but seems to indicate that the Claimant does not intend to engage with the Bristol Employment Tribunal at least at present.

13. On the same day, at 12:30 he emailed the Tribunal:

*“Dear EAT London
ET Bristol*

reference case number: EA-2024-001047-LA

Parties : Wiltshire Police v Swindon Mental Health v Willmott Dixon and all others

As a claimant I refuse to comply on corrupt procedure ET Bristol dealing with.

So ,I will reject anything related to since the Appeal case are on pending to EAT London and full stop.

Are you going to force me to follow the procedures you just mention ET Bristol?”

14. In a further email dated 28 August 2024 at 13:27 he wrote to the EAT: **“I AM NOT DISABLED.(I can speak english by academic jargon or plain to be very well understood).**

15. The hearing was listed as a telephone hearing for 2pm, but I was sent details of a video hearing and not the telephone details. I contacted Mr Williams without difficulty but was unable to contact the Claimant. He had provided two numbers to the Tribunal but when the Clerk called them they were not recognised. The Claimant had called Mr Williams recently and I asked Mr Williams to call the Claimant on that number, with the same result. The clerk emailed all three email addresses that were on file for the Claimant. Two bounced back and there was no response from the third. At 2:20pm I checked with the office and there had been no contact from the Claimant today. Given his clearly expressed intention not to have further dealings with the Bristol Employment Tribunal and to deal only with the Employment Appeal Tribunal, and his statement that he wanted only hearings in person, I decided to proceed with the hearing as it was most unlikely that the Claimant was intending to be present.

16. The relevant Employment Tribunal rule is Rule 37:

Striking out

37.— (1) At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds—

(a) that it is scandalous or vexatious or has no reasonable prospect of success;

(b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;

(c) for non-compliance with any of these Rules or with an order of the Tribunal;

(d) that it has not been actively pursued;

(e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim or response (or the part to be struck out).

17. This is a disability discrimination claim. As a general principle, discrimination cases should not be struck out, save in the clearest circumstances. The Claimant's case is to be taken at its highest. There are sound public interest reasons for the test being a high threshold. Ahir v British Airways Plc [2017] EWCA Civ 1392 provides clear guidance to be applied in applications such as this. I have read and considered that guidance in coming to my conclusions.
18. A judge should not strike out a claim without seeking first to understand it – Daniel Cox v Adecco & O's UKEAT/0339/19/AT(V).
19. There are limits beyond which it is not to be expected that an Employment Judge must go: Marrufu v Bournemouth Christchurch And Poole Council (PRACTICE AND PROCEDURE) [2020] UKEAT 0103_20_0312 (03 December 2020). It is not possible to understand the Claimant's claim, however much effort is expended.
20. The Respondent's written submission sets out their position. I have checked it against the digital file, and it is factually accurate.
21. The Claim form and the many emails sent by the Claimant to very many people do not disclose a coherent case. The claim therefore has no reasonable prospect of success.
22. The conduct of the Claimant, set out in the Respondent's submission, is such that it is unreasonable, within Rule 37, to the extent that striking out the claim is fully justified, and inevitable. While there may be mental health reasons for the Claimant to act as he does, that does not make his conduct objectively any less unreasonable. There has been a barrage of emails, many of which are abusive and threatening.
23. The claim is also vexatious, as perusal of the many emails makes abundantly clear. The number of people emailed grows ever larger, for example involving the Swindon County Court over an eviction claim against him.
24. The Claimant has bombarded the Employment Tribunal, the Employment Appeal Tribunal and many others (many unconnected with any possible issue that could be justiciable between the Claimant and the Respondent) with lengthy emails, often abusive, some threatening, and mostly incomprehensible. This is vexatious and unreasonable conduct and there is no prospect of identifying issues for decision, and even if that were possible no prospect of a fair hearing to decide them given the level of personal animosity they display.
25. Accordingly, I strike out the claim because:
 - a. It is incomprehensible in terms of the jurisdiction of the Employment Tribunal, and so being incomprehensible has no reasonable prospect of success.

- b. The claim is vexatious.
- c. The conduct of the claim by the Claimant has been unreasonable to the extent that the claim must be struck out.
- d. It is impossible to have a fair hearing given the approach to the litigation of the Claimant.

Employment Judge Housego

Date 29 August 2024

JUDGMENT & REASONS SENT TO THE PARTIES ON

16th September 2024

FOR THE TRIBUNAL OFFICE