



# EMPLOYMENT TRIBUNALS

**Claimant:** G Ogunbayo

**Respondent:** Commissioners for HM Revenue and Customs

## JUDGMENT

The claim is struck out.

## REASONS

1. The Claimant was given until 5 July 2025 to provide any objection to Employment Judge Connolly's proposal to strike out his Claim set out in our letter dated 17 June 2025, giving his reasons or requesting a hearing at which he could give them. The reasons for EJ Connolly's proposal were that the Claim was scandalous or vexatious and/or had no reasonable prospect of success on the basis that it was a duplication of a Claim brought by the Claimant previously.
2. The Claimant emailed the Tribunal on 4 July 2025, but without any attachment to that email. The attachment was submitted on 8 July 2025 and has been considered before issuing this Judgment. The Claimant has not requested a hearing. The Respondent's application to strike out the Claim, which it sent to the Tribunal on 12 May 2025, has therefore been determined on the papers.
3. It is clear from the Tribunal papers from 2016, which the Respondent submitted with its application, that the Claimant's Claim presented to the Tribunal on 21 December 2016 dealt with precisely the same matters the Claimant seeks to raise in this Claim, with the exception that the earlier Claim initially alleged unfair dismissal, race and sex discrimination, whereas this Claim alleges race discrimination only.
4. The complaint of sex discrimination was dismissed on 6 March 2017 by Employment Judge Butler following withdrawal by the Claimant. The Claim was struck out in its entirety by Employment Judge Monk at a preliminary hearing on 11 September 2017. On 26 October 2017, she refused an application for reconsideration. The Claimant's appeal to the Employment Appeal Tribunal was dismissed on 12 February 2018 on the basis that it had no reasonable prospect of success.
5. It is a well-established principle that the same matter cannot be litigated twice, based on the doctrine known as cause of action estoppel. Nothing in the Claimant's

document submitted to the Tribunal on 8 July 2025 indicates that what he seeks to pursue in the Tribunal is anything other than the Claim that EJ Monk struck out, as the content of the Claim Form and the documents provided by the Claimant to the Tribunal on 3 June 2024 make clear. This Claim is very obviously therefore vexatious, and it plainly has no reasonable prospect of success.

6. I must therefore consider whether to strike the Claim out. I determine that I should. As the Respondent indicates in its application, the overriding objective to deal with cases fairly and justly, including dealing with matters proportionately, avoiding delay and saving expense, mean that striking out is appropriate. Further, as I have indicated above, the Claimant has provided no grounds to suggest that any other course of action is appropriate, and he has not requested a hearing at which he could make his representations orally.

7. The Claim is therefore struck out. The Respondent's application is granted.

**Employment Judge Faulkner**

**Date of approval: 8 July 2025**