EMPLOYMENT TRIBUNALS

Claimant: Mr A Sylla

Respondent: DHL Services Limited

JUDGMENT

The claimant's application dated 14 August 2025 for reconsideration of the judgment made by Judge Parkin and sent to the parties on 22 July 2025 is refused.

REASONS

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

1) Firstly, I must inform the parties that since delivering his judgment, Judge Parkin has retired. Regional Employment Judge Franey has appointed me to deal with this application for reconsideration as it is not reasonably practicable for Judge Parkin to deal with it.

2) However, I have had access to the full electronic file held by the Tribunal in this case as well as copied of the documents that the claimant has submitted to the Employment Appeal Tribunal (EAT) including the grounds of appeal dated 27 August 2025 and which refer to grounds in support of the application for reconsideration on page 6 of this document.

3) I have considered the question of time limits for presenting an application for reconsideration under Rule 69, but note that Judge Parkin appeared to make an oral decision striking out the claim at the preliminary hearing to consider the respondent's application that this sanction be imposed under Rule 38(1)(b) and (c) on 28 May 2025, but provided his written reasons subsequently. The claimant sent several letters to the Tribunal immediately following the preliminary hearing seeking the written reasons and unfortunately the promulgation of the judgment and reasons was not carried out until 22 July 2025.

4) Under these circumstances, I concluded that the claimant had attempted to challenge the original judgment before the reasons were delivered and confirmed this on 14 August 2025 and has set out grounds of appeal within his letter sent to the EAT on 27 August 2025 (and copied to the Tribunal on the same date).

Applying Rule 69, I did note that these documents were submitted more than 14 days after the date when the written reasons were sent, but considering the chronology, it was appropriate to consider the claimant's application.

5) However, having carefully read Judge Parkin's judgment and reasons, I concluded that he provided a detailed and well-reasoned judgment of 10 pages. It provided a full chronology of events, recorded both parties' submissions, (noting that the claimant's submissions were wholly inadequate and explaining why this was the case), recorded the relevant law including Rule 3 (application of the overriding objective), Rule 38 (strike out) and relevant case law. He also reminded himself that the claimant was a litigant in person, had been provided with an interpreter (he speaks French as his first language) and referred to relevant sections of the Equal Treatment Bench Book in chapter 1 which deals with unrepresented parties.

6) Judge Parkin provided a clear conclusion and noted that the claimant did little to assist himself in terms of his conduct within the case and in terms of the submissions made. But he recognised and took account of the claimant being given guidance at every stage of the proceedings and apart from the first preliminary hearing case management (which I had heard and postponed on 13 March 2023 due to the language issue), he had a French interpreter at every one of the remaining 5 preliminary hearings. He had clearly been given several opportunities to correct earlier failures to comply with case management orders within the proceedings which had resulted in the postponement of two final hearing listings.

7) Despite providing some grounds of appeal, the claimant had not provided evidence in support of them, which appeared to be as follows:

    a) misunderstandings between the interpreter and himself;
    b) allegations the respondent had failed to comply with case management orders;
    c) medical evidence of health issues affecting his ability to participate in the preliminary hearing before Judge Parkin; or,
    d) any evidence of the alleged 'procedural irregularities' where the Judge was accused of a failure to follow correct legal procedures and/or being biased.

8) At around the time that I was considering this application, the Tribunal received further correspondence from the claimant which included a copy of the letter which Dr Aaisha Akhter had written on 15 October 2025. This one page letter referred to him having *'…a history of an acquired brain injury (2020) and his ongoing memory and cognitive difficulties.'* Reference was made to a recent memory assessment albeit without a date being given. Nonetheless, it was described by Dr Akhter as *'…suggesting some cognitive impairment.'* Other conditions were also mentioned included hearing loss (supported by hearing aids), spinal stenosis and osteoarthritis of the knees, chronic kidney disease stage 1 and sickle cell disease.

9) Undoubtedly, the claimant is living with several significant health conditions and in relation to brain but also the effect of injury impairments, Dr Akhter said that he benefits from reminders and his memory problems can affect how well he processes or recalls information.

10) Taking this letter into account, I returned to Judge Parkin's decision dated 31 May 2025. In paragraph (12), reference was made to the claimant's head injury and memory loss as part of a review of the case history and the claimant's application to amend his claim on 9 April 2024. Reference was also made to the claimant providing a disability impact statement prior to the hearing in paragraph (23). However, what was clear to me was that while the claimant was failing to deal with his case and comply with orders by the time set, the Tribunal nonetheless wrote to him and warned him of his failure and the potential consequences of failing to

comply. This was consistent with the recommendation that reminders be provided and, in many respects, it is reflective of the considerable patience that the Tribunal exercises when dealing with litigants in person who may not fully appreciate the importance of compliance with orders.

11) Even at the hearing before Judge Parkin, paragraphs (28) and (29) of his decision record the claimant's failure to enquire about difficulties in accessing the electronic bundle before the hearing took place. Judge Parkin, adopting a creditable and proportionate approach to the problem, adjourned the case until the afternoon in order that the respondent could arrange for a physical copy of the bundle to be delivered to the claimant, which was completed by 12:47pm. He then began the hearing during the afternoon and was prepared to sit late to allow sufficient time to be made up because of the delayed start.

12) While Judge Parkin, in his deliberation, did not have the benefit of Dr Akhter's letter which of course post dated the hearing, he nonetheless took a balanced and proportionate approach and did not rush to accuse the claimant of a deliberate failure to disobey Tribunal orders. He did refer to there being no medical evidence available to suggest that the claimant lacked capacity to comply with orders but also noted that the claimant was provided with Tribunal Notes of Hearing and letters which provided guidance concerning how he could comply with them.

13) Importantly, however, the hearing had involved full consideration of the relevant issues, a great deal of patience had been provided to the claimant, and he had every opportunity to provide medical evidence at the earliest possible opportunity to support any adjustments for memory loss. He was fully allowed to participate in the hearing. But even allowing for this, Judge Parkin recorded a clear process and history on the part of the Tribunal, making allowances and adjustments whenever apparent and required. This therefore resulted in the claimant being afforded a fair hearing and Judge Parkin reached a reasonable decision in all circumstances. I do not accept that the claimant has provided grounds supporting the application for reconsideration of this judgment.

14) Consequently, I must conclude that there is no reasonable prospect of the judgment being varied or revoked, and the reconsideration application is therefore refused.

Date: 14 November 2025

Approved by

Employment Judge Johnson

JUDGMENT SENT TO THE PARTIES ON

20 February 2026

FOR THE TRIBUNAL OFFICE