



EMPLOYMENT TRIBUNALS

Claimant: Mr Mohammed Razwan (Mr Razwan)

Respondent: Hallo Healthcare Group (Aurelius), (Hallo Healthcare Group)

PRELIMINARY HEARING

Heard at: Birmingham CCT

Heard on: 27 March 2026

Before: Employment Judge Manley (sitting alone)

Appearances:

Claimant: No appearance

Respondent: Mr Webster, Counsel

JUDGMENT

RECITAL

UPON the failure of the Claimant to attend the hearing, for which notice was given during the hearing before Employment Judge Power on 20 & 21 October 2025 and subsequently in writing;

AND UPON the Tribunal making enquiries with the Claimant who informed the Tribunal clerk that he was not planning to attend due to his intention to challenge the most recent refusal of his application for a privacy order in the Employment Appeals Tribunal and accordingly asked for this hearing to be postponed;

AND UPON the Tribunal deciding to proceed with the hearing in absence of the Claimant, pursuant to rule 47 of the Employment Tribunal Rules of Procedure 2024, and giving reasons for doing so at the hearing;

The judgment of the Tribunal is that:

1. The Claimant's application for a postponement is dismissed.
2. The Claimant's claims are struck out pursuant to rule 38 (1) (a) and/or (b) of the Employment Tribunal Rules of Procedure 2024, on the grounds that they have no reasonable prospects of success and the manner in which the Claimant has conducted the proceedings has been scandalous, unreasonable and vexatious.
3. The Claimant shall pay the Respondent's costs of the proceedings, summarily assessed in the sum of £18,750 pursuant to rule 74 (2) (a) and (b) of the Employment Tribunal Rules of Procedure 2024.

WRITTEN REASONS

1. On 31 March 2026 the Claimant requested written reasons for the judgment handed down at the hearing on 27 March 2026. A full oral judgment was delivered extempore at the time of the hearing.
2. The hearing on 27 March 2026 was listed to determine the Respondent's application to strike out the Claimants claim on various grounds and to seek a costs order.
3. During the course of the hearing the Tribunal heard lengthy submissions from Mr. Webster, counsel for the Respondent, and was provided with a bundle of documents consisting of 374 pages. All references to page numbers below are to that bundle.

Claimant's Applications

4. The Claimant did not attend the hearing and instead sent an email to the Tribunal on the morning of the hearing asking for a postponement on the grounds that he has appealed a refusal to give him a privacy order at the Employment Appeal Tribunal (EAT) and that these proceedings ought to be stayed until such time as the EAT makes a decision on that appeal.
5. At the same time, the Claimant also copied in the Midlands West Tribunal into an email also on the morning of the hearing, which he sent to the EAT asking for a review of the refusal of a privacy order and an assertion that all proceedings in the Employment Tribunal ought to be stayed until such time that the EAT make that determination. It should be noted here that there was no evidence before the Tribunal of any properly instituted appeal to the EAT.
6. I made inquiries via my clerk this morning as to whether or not the Claimant was intending on coming to the hearing this. She managed to get through to the Claimant

on the telephone and was told by him that he had no intention of coming to the hearing today but wished for the hearing to be postponed for the same reasons that I have just outlined. Accordingly, it was necessary to consider whether or not this hearing should proceed in absence of the Claimant or whether I can simply proceed to dismiss the claim on the basis that he had failed to attend pursuant to rule 47 of the Employment Tribunal Procedure Rule 2024 (ROP). Rule 47 reads:

“If a party fails to attend or to be represented at a hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence”.

7. Those inquiries in my judgment have been made appropriately and reasonably, and the information is clear, that the Claimant has no intention of attending the hearing today because he believes that it ought to be postponed because of his pending challenge to the refusal of a privacy order. I therefore must decide in the circumstances whether to simply dismiss the whole of his claim or to proceed in absence of the party.
8. Having considered the issue of the overall fairness of the proceedings, the circumstances of the case and the overriding objective, I am satisfied that it is in the interests of justice to proceed with this hearing in absence of the Claimant today. He has had notice of the hearing since October 2025 and has made numerous requests for a postponement of the hearing on the same grounds, that he should have his privacy order application determined prior to this hearing taking place. So, for that reason, I elected to proceed pursuant to rule 47 (ROP). However, I declined to dismiss the claim under this rule.
9. I also must determine an application to postpone the hearing, which I take to have been made pursuant to rule 32 (ROP) in the content of his email of this morning. I also understand that the Claimant has made numerous previous applications for this hearing to be postponed, since it was listed back in October 2025 on the same grounds that this hearing should not and cannot take place until such time as his privacy order has been put in place.
10. In terms of the rules in regard to postponements, I remind myself that rule 32 (ROP) states:

“(1) An application by a party for a postponement must be received by the Tribunal as soon as possible after the need for a postponement becomes known.

(2) In the circumstances listed in paragraph (3) the Tribunal may only order a postponement where—

(a) all other parties consent, and—

(i) it is practicable and appropriate for the purposes of giving the parties the opportunity to resolve their disputes by agreement, or

(ii) it is otherwise in accordance with the overriding objective,

(b) the application was necessitated by an act or omission of another party or the Tribunal, or

(c) there are exceptional circumstances.

(3) The circumstances are—

(a) a party makes an application for a postponement less than 7 days before the date on which the hearing begins, or

(b) the Tribunal has ordered two or more postponements in the same proceedings on the application of the same party and that party makes an application for a further postponement.

(4) In this rule—

(a) “postponement” means a postponement of a hearing including any adjournment which causes the hearing to be held or continued at a later date;

(b) “exceptional circumstances” may include ill health relating to an existing long term health condition or disability”.

11. It seems to me that the need for exceptional circumstances does not apply under subsection (3) because the Claimant has been stating since the hearing was listed that it can't take place until such time that he has his privacy order is in place.
12. Therefore Rule 32 (3) (ROP) does not apply as it relates to applications made less than 7 days before a hearing. Although the request this morning was of course made less than seven days before the hearing, I don't treat it as an application under 32(3) (ROP) because it has been raised as an issue that requires postponement on previous occasions over many months before today. The reality is I must consider whether or not it is in accordance with the overriding objective and is practical and appropriate to order the postponement.
13. It's not a question of exceptional circumstances the reasons I say, so I am simply dealing with the overall fairness of the proceedings and whether it is in accordance with the overriding objective that a postponement should be ordered. In considering that question, I ask myself what the potential merit of his concern over the privacy is and this seems to be based on the inclusion of a sick note dating from June 2022 which relates to a period of absence from his employment. It's not entirely clear to me why it's so important that this be made private, but the reality remains that the basis upon which he says it must be postponed is because he ought to be able to pursue an appeal from the EAT to challenge the basis of that refusal for a privacy order.
14. In my judgment, this point doesn't get off the ground because he's not instituted any appeal to the EAT, the grounds upon which the privacy order has previously been refused by three previous judges in these proceedings appear to be sound and there are no new matters being raised in the challenge that's now being put forward by the Claimant as to why a privacy order is required.

15. For those reasons, I refuse the application for postponement, pursuant to the ROP.

Respondent's Application

16. The application first came before the Tribunal before Employment Judge Power at an open preliminary hearing on 20 October 2025, which ran over to 21 October 2025 and even then there was still inadequate time to deal with the strike out application and also the application for costs which had been made.

Background

17. The Claimant brings claims for:

- (1) Racial discrimination;
- (2) "Unlawful Dismissal";
- (3) Sick pay;
- (4) Legal fees;
- (5) Expenses; and
- (6) "Unlawful practice"

by means of an ET1 dated 25 October 2024.

18. In respect of these claims, the ACAS early conciliation procedure started on 21 October 2024 and ended on 25 October 2024. The period of his employment with Lloyd's Pharmacy Ltd was between 5 July 2022 and 1 November 2022, meaning the claims were significantly out of time by the time that he issued his ET1 against this particular Respondent.

19. Applications have been made by both the Claimant and Respondent. The Claimant's application being for a privacy order in respect of his proceedings due to the issues he says were raised by the Respondent. The Claimant contends that the way in which the Respondent is seeking to defend this case has created the need for his privacy to be protected.

20. The Respondent's applications are that the case should be struck out on the basis that it has no reasonable prospect of success or in the alternative, because of the manner in which the case has been conducted by the Claimant has been scandalous or vexatious, under rule 38 of the Employment Tribunal Procedure Rules 2024 (ROP).

They also make an application for costs which is before me.

21. I do not propose to go into anymore of the background of the claim. The ET1 is extremely limited in detail. It has been met with an ET3 filed by the Respondent. The rider to the ET3 advances the same points that have been put before me today, which is that the Respondent itself does not amount to any legal entity. It is not a limited company; but rather is a brand name that has been given to a group of other limited companies to use for marketing purposes.
22. Accordingly, the Respondent argues that the Claimant was never employed by the Respondent at all and was in fact was employed by Lloyds Pharmacy Ltd.
23. It is also submitted that the claim is significantly out of time in any event.
24. There was a costs warning included in that ET3 form.
25. As noted above, there was a case management hearing before Employment Judge Power on 20-21 October 2025. This hearing took place over two days and appears to have dealt with multiple applications that were being made at that hearing by the Claimant. The case management orders of Employment Judge Power are at pages 274 and 296 of the bundle. Employment Judge Power sets out the background and the nature of the applications in these orders and then sets out reasons for refusing the privacy application in written reasons on page 296 of the bundle, which were sent to the parties on 31 October 2025. That is a very brief summary of what is a case with an extremely long and convoluted history.
26. At the case management hearing on 20-21 October 2025 Employment Judge Power, having not had adequate time to be able to deal with the Respondent's application at that hearing, listed the case for a full day attended hearing today in order to deal with the balance of the Respondent's applications and that is what I am seized with today.
27. As noted above, it is clear that the Claimant has elected not to attend this hearing and despite inquiries having been made by the Tribunal, the Claimant explained to Tribunal staff that he wasn't in attendance because he felt that the hearing could not proceed until such time as he was able to challenge the refusal of a further application for a privacy order, which I understand was renewed again and refused by Employment Judge Perry, yesterday, on 26 March 2026. There is an order and full reasons to that effect made by Employment Judge Perry, which I have been provided with (note this is incorrectly dated 26/3/25). The Claimant said that he was going to appeal against that decision to the EAT and this would be a reason for him not to attend and also a reason for requesting a postponement.
28. During the course of the hearing, I was sent further emails by the Claimant which purported to attach a notice of appeal to the EAT, but none of these documents had been filled out but were the proformas that one can get off the Gov website so I'm not sure of the purpose of those, but they were received during the course of me hearing submissions from Mr Webster.
29. The Respondent has made three applications which are:
 - (i) To strike out the case under 38(1)(a) (ROP);

- (ii) To strike out the case under 38(1)(b) (ROP); and
- (iii) Costs.

26. In dealing with the first and second applications, rule 38 of the ROP provides:

“(1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply 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, response or reply (or the part to be struck out).

(2) A claim, response or reply may not be struck out unless the party advancing it has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.

(3) Where a response is struck out, the effect is as if no response had been presented, as set out in rule 22 (effect of non-presentation or rejection of response, or case not contested).

(4) Where a reply is struck out, the effect is as if no reply had been presented, as set out in rule 22, as modified by rule 26(2) (replying to an employer’s contract claim).

27. In terms of my approach in dealing with a case where a party is seeking a strike out of a claim involving discrimination, I remind myself of the high threshold and two-stage test which applies. I was referred to **HM prison services v dolby [2003] IRLR 694**, by Mr. Webster which at paragraph 15 sets out a two-stage test which is:

- (i) Whether or not the Claimant does not in fact have reasonable prospects of success; and
- (ii) If that is the case, whether I should exercise my discretion in order to strike out the case.

28. I also remind myself that I must take the Claimant’s case at its highest as is apparent from the claim form and any email submissions that he has made throughout the life of this case. Authority for that proposition comes from **Ukegheson v London Borough of Haringey [2015] ICR 1285**.

29. It's also right to remind myself that strike out is a rare power for the Tribunal to exercise (see ***Tayside Public Transport Company Limited (t/a Travel Dundee) v Reilly [2012] CSIH 46*** at paragraph 30).
30. This is particularly so in discrimination cases and that comes from several cases including ***Anyanwu and ors v South Bank Students' Union [2011] IRLR 305***.
31. I have also taken into account that cases should not be struck out where facts or central facts could be in dispute. See ***Ezsias v North Galmorgan NHS Trust [2007] EWCA Civ. 330***.
32. Mr Webster also relied on the case of ***Chandhok & Anor v Tirkey [2015] ICR 527***, where the EAT, whilst recognising that in discrimination cases there is a higher hurdle to striking out such claims and that it is often the public interest for these matters to be heard, it was confirmed that there is no blanket ban on doing so in an appropriate case.
33. The *Chandhok* case also referred to circumstances where there is simply not enough material before the Tribunal in order to come to any conclusion that there is an arguable claim for discrimination, which could lead to a claim being struck. However, this must be set against the need to consider whether any amendment to the pleadings might cure such a defect and whether further evidence might reasonably become available.
34. In many ways some of those significant considerations about prospects and potential for disputes of fact are not going to be quite so crucial in this case. The reason for this is due to the documentary evidence available as to the lack of corporate identity of the Respondent, which would seem to put the matter beyond any reasonable dispute. In this application I have considered these three points, which are made by the Respondent:
 - (i) There are no prospects because the Respondent isn't in fact any legal entity, it is not a limited company;
 - (ii) The Claimant was never employed by the Respondent; and
 - (iii) The claim is significantly out of time.
35. In respect of the legal entity point, this is an issue that was raised at the beginning of these proceedings by the Respondent, and a link was provided to the Companies House website inviting the Claimant to verify those facts for himself. It's plain from this evidence that Hallo Healthcare Group is not a limited entity at all, and it is simply a brand. Therefore, I find that no sustainable claim can be brought by the Claimant against the Respondent because it was never a legal entity against which he could sue. Accordingly, I find that the Claimant's claim has no reasonable prospects of success as he is pursuing no corporate identity against which liability could attach. Even if I were to be wrong about that, the problem that the Claimant faces, is the second issue, which is that the Claimant was not ever employed by Hallo Healthcare Group or indeed one of the limited companies, that operate under the umbrella of that brand, and there is no evidence to suggest that this was the case at the point he issued his claim or at any other time. I do of course accept that this issue is strongly disputed by the Claimant, but I must set that against the contemporaneous documentary evidence, in determining whether his claim has any reasonable prospects of success, whilst also taking into

account the warnings given by the EAT and appellate courts, which I have set out above, when dealing with issues of disputed facts in strike out applications.

36. The evidence that I have been directed to on this point is firstly, at page 251 where there is an email from the Claimant, this embeds a further email, in which there is a letter of appointment (page 93) showing that it was in fact Lloyds Pharmacy Ltd that employed the Claimant. This email is a piece of evidence that the Claimant himself has put forward in response to dealing with the issues surrounding the identity of the Respondent body.
37. Importantly, Employment Judge Smart, ordered the Respondent, on 8 August 2025 (page 251) to clarify its identity. The Respondent responded to that request by identifying that Lloyds Pharmacy Ltd was in fact the employer as far as they were aware. The Claimant's response to this assertion was to then include the letter of engagement by Lloyds Pharmacy Ltd (page 93). In these circumstances it does seem somewhat surprising that the Claimant then chose to continue pursuing Hallo Healthcare Group when all the evidence pointed towards him being employed by Lloyds Pharmacy Ltd.
38. I find in those circumstances that there is no reasonable prospect at all of the Claimant pursuing this Respondent in circumstances, where I find that the Claimant was never in fact, employed by the brand known as Hallo Healthcare Group, which is the Respondent that is currently proceeded against in this case.
39. It is also right to say that the Claimant has had ample opportunity at the invitation of the Respondent to change and substitute the Respondent to the correct Respondent, but he has elected not to do so.
40. In terms of the third issue that I make findings on, is in respect of time limits. It is right to say that the claim ought to have been issued some years before it was. The Claimant's employment ended on 1 November 2022, and he claims unfair dismissal and brings a claim for discrimination by way of his ET1. ACAS conciliation ought to have commenced by no later than 31 January 2023 but in fact the ACAS period is from 21 October 2024 to 25 October 2024 and the ET1 is dated on 25 October 2024. So, this claim is significantly out of time.
41. It's also interesting to note that during the period between the end of his employment and issuing the claim against the current Respondent, the Claimant did in fact commence a claim against Lloyds Pharmacy Ltd, being what I have found to be the correct Respondent in this case, and that was around 22 May 2024 (page 1-2 of the bundle). This claim was assigned a case number of 1304316/2024. That was something that he had been able to achieve albeit, this claim was also out of time.
42. In the circumstances I have to consider whether there could be any reasonable prospect of success in a situation where his claim, which ought to have been issued no later than 31 January 2023 but was in fact commenced on 21 October 2024 would be permitted to proceed.
43. The Claimant only on one occasion appears to have turned his mind or given any reasons as to why the Tribunal might be minded to grant a just and equitable extension in his particular case, and that is contained in an email dated 7 March 2025, where he

refers to the fact that he had been given the wrong information by the Respondent as to their identity and also refers to the fact that there was an appeal hearing that should have taken place, during his employment but never did. The Claimant asserts this was somehow an explanation for the delay from November 2022, through until 21 October 2024.

44. I do remind myself that the Tribunal has an extremely broad discretion when considering the just and equitable extension under the Equality Act 2010 and I remind myself of the case of ***Abertawe Bro Morgannwg University Local Health Board v Morgan [2018] ICR 1194*** in that regard.
45. I also remind myself of the summary of the principles by Mrs Justice Lang in the case of ***Miller and Others v Ministry of Justice, EAT 0003/2015*** where she held that it was an extremely wide discretion but also referred to the fact that the exercise of my discretion is the exception rather than the rule. It also refers to the factors that I should consider and balance the prejudice from the Claimant's side and the Respondent's side and notes that sometimes reference to section 33 factors set out in the Limitation Act 1980 can be helpful, in terms identifying the sort of factors that are relevant.
46. I have considered those factors and I have considered the extremely limited explanation put forward by the Claimant and I find that this Claimant has no reasonable prospect of persuading any Tribunal that the exception to extend time in his case under the just and equitable provisions of the Equality Act or indeed those under the reasonable practical extension will be made out in this case and that is another reason, why I have found that the Claimant has no reasonable prospect of success in this case.
47. In light of those three findings that I make about the lack of prospects of success in the Claimants claim, I then stand back and consider whether or not I should exercise that discretion and consider the overall fairness and the prejudice to the respective parties in accordance with the overriding objective when exercising that discretion. In this particular case, I have no hesitation in finding that there is no reason for me to do anything other than strike out the Claimant's claim because it has absolutely no merit. The substantive claims that the Claimant has advanced of race discrimination, may very well have had merit if he chosen to sue the correct Respondent, Lloyds Pharmacy Ltd, or indeed the subsequent limited company that took over Lloyds Pharmacy Ltd, but he has not done so. Therefore, in those particular circumstances the prejudice to the respective parties very heavily weighs with the prejudice to the Respondent of having to expend substantial costs to defend a claim to trial, which has no reasonable prospects as compared to the Claimant's prejudice of losing the opportunity to pursue these proceedings, which I find will inevitably fail for the reasons I have set out above in any event.
48. That deals with the first limb of the Respondent's application to strike out the claim, and I have struck the claim out pursuant to Rule 38(1)(a) (ROP).

Rule 38 (1) (b)

49. I now need to consider whether to strike out the claim under 38(1)(b) (ROP), which relates to the manner in which the claim has been conducted being scandalous, vexatious or unreasonable.

50. Aside from the legal considerations set out above which apply to applications to strike out, I also must, when considering an application, which relies upon Rule 38 (1) (b), decide whether in light of any conduct found, a fair hearing would still be possible and whether some lesser consequence than strike out would be more appropriate. This is referred to in subsection (e) of Rule 38. I have considered this point with reference to the case of ***Hargreaves v Evolve Housing and Support and Others [2023] EAT 154***, which was where the EAT found that the Tribunal below had not received adequate evidence as to why there was a finding that a fair trial was no longer possible. They didn't adequately consider that as an issue and that was an error of principle.
51. A summary of principles are set out in ***De Keyser Limited v Wilson [2001] UK EAT 1438*** case and also in the ***Bolch v Chipman [2004] IRLR 140 EAT***, which specifically reminds the Tribunal that before making a strike out under rule 38(1)(b) (ROP) the Tribunal must apply a three-stage test. First making findings as to whether a party or its representative have behaved scandalously, unreasonably or vexatiously when conducting proceedings. Second, once such a finding has been made, the Tribunal must consider in accordance with *De Keyser Limited v Wilson* above, whether a fair trial is possible. If a fair hearing is still possible then strike out should not be used as a punishment, since it is an exceptional sanction to apply. Thirdly, the Tribunal needs to consider taking alternative steps and whether this would be more proportionate in the circumstances of the case, for example it may be more proportionate to impose a lesser penalty for example, by making a costs or preparation order against the party concerned rather, than striking out his/her claim or response.
52. Turning first to consider whether the conduct of the proceedings has been scandalous, unreasonable or vexatious, I find as follows:
53. It is apparent from the multiple emails in the bundle, that notwithstanding consistent references by the Respondent, to the fact that the Claimant was suing the wrong entity and the fact that it was a brand and could not therefore have been his employer, the Claimant has nonetheless elected to consistently maintain that this was untrue and that he was employed by the named Respondent.
54. I note at page 34 of the bundle, the Claimant asserts that he did not have a contract with Lloyds Pharmacy Ltd notwithstanding that, he then later provides the email at page 93 (previously referred to) which contains his Lloyds Pharmacy Ltd appointment letter, when he first took up his employment. That was unreasonable conduct in my judgment as this letter could not be clearer that his employment was with Lloyds Pharmacy Ltd. But not only that, in dealing with the constant communications from the Claimant and the Respondent was consistently telling the Claimant that he had the wrong Respondent. The Claimant's response to this was to make multiple allegations that the Respondent is being dishonest in this regard and has made false statements. There can be no doubt that the Claimant has alleged dishonesty on the part of the Respondent very clearly. I also find that this also amounts to scandalous and unreasonable conduct of the proceedings.
55. I make this finding recognising that at some stage Lloyds Pharmacy Ltd, was operating under the 'brand' of the Respondent Hallo Healthcare Group and I have taken account of the emails that the Claimant has included in this bundle. For example, at page 40 there is an email dated 28 September 2023, which specifically includes the Hallo

Healthcare Group brand at the footer of an email from Lloyds Pharmacy Ltd dealing with his employment issues. However, it is clear that the corporate entity responsible for sending the email was Lloyds Pharmacy Ltd.

56. The reality, however, is that Lloyds Pharmacy Ltd was sold in 2023, and I find that the evidence at page 86-7 of the bundle makes this clear. I also find it at page 5, in an email dated 7 June 2024 where that assertion is made, that Lloyds was sold to a limited company called Diamond DC02 Ltd in 2023.
57. I can understand that at some point in these proceedings, because of the Hallo Healthcare Group banner attached to the Lloyds Pharmacy Ltd documentation that the Claimant may have been under a reasonable (albeit mistaken) belief that his employment with Lloyds Pharmacy Ltd was in some way connected to Hallo Healthcare Group. However, in light of all of the information that he has been provided with since, including the link to Companies House, I find that his persistence in maintaining that position, despite also having been provided an email from Lloyds Pharmacy Ltd amounted to unreasonable conduct. The Claimant himself had issued a claim against the correct legal entity, Lloyds Pharmacy Ltd in May 2024, (earlier than this claim) under case number 1304316/2024. Therefore, it is the continuing insistence of this plainly incorrect position that amounted to unreasonable conduct, notwithstanding some understandable initial confusion he might have had as to the correct identity of the defendant.
58. Thereafter, the repeated allegations of dishonesty continued. I was referred to a few examples at page 64 and 115 of the bundle, and this simply underlines the finding I have already made that these allegation of dishonesty were unfounded and amounted to unreasonable conduct.
59. The further aspect of unreasonable conduct relied upon arises from the case management hearing which took place before Employment Judge Power on 20-21 October 2025, which I've already referred to. The report of that case management hearing is very detailed and thorough and is at page 296. I have read the report in full, and I have relied upon the content of Employment Judge Power's order as being an accurate record of what took place at that hearing. During the course of that hearing, the Claimant was making numerous and multiple applications for both privacy orders, postponements on the ground of ill health and that is something that continued throughout the whole hearing. This included the Claimant sending emails during the hearing itself making fresh applications and the result of all of that was that despite two days of argument and dealing with the case management hearing, Employment Judge Power was still unable to get on to deal with the current applications due to a lack of court time. The effect of this was that it was necessary to list the matter for a further hearing, which came before me. I find that that the Claimant's behaviour in that hearing on 20-21 October 2025 amounted to unreasonable conduct of the proceedings.
60. The other aspect of the case is that the Claimant has consistently applied for privacy orders in his case on the grounds of fit notes that apparently relate to the period of his employment when he was absent, and I think there may be some reference to unauthorised absences as being one of the reasons his employment ended. Notwithstanding the illogical nature of that complaint and as to why that would amount to the need for a privacy order, he submitted sick notes, in the hearing before

Employment Judge Power and then referred to a further sick note in that hearing. The Claimant was then ordered to confirm whether he was going to renew his application which had been refused by Employment Judge Power. On 29 October 2025, the Claimant did renew his application for a privacy order on the basis of the fit note from October 2022, which he then produced on 29 October 2025. On 19 March 2026, Employment Judge Maxwell on the papers refused, that application under rule 49 (ROP), and found that there were no grounds that would justify such an order being made.

61. That consistent attempt to make applications for a privacy order in circumstances where there appear to be no good grounds for doing so, was also unreasonable in my judgement.
62. The other point that is raised in terms of unreasonable conduct of the proceedings relates to the fit note which I've already referred to that was provided the day after the case management hearing before Employment Judge Power on 29 October 2025. This included a letter which was purportedly from the Claimant's GP written out, not as a fit note that one is accustomed to seeing in the standard proforma, but rather as a letter with two brief lines saying that he was unable to work back in 2022. That letter was analysed by the Respondent and on 29 January 2026 (page 316) the Respondent made an application that the claim should be struck out on the basis of this being unreasonable conduct of the proceedings being scandalous, vexatious or unreasonable on the grounds that the fit note that had been submitted was in fact a fabricated document by the Claimant (this application is also before me and falls to be determined).
63. In that application, the Respondent sets out at some length exactly why they considered the sick note itself to be a fabrication. Looking at the sick notes in order, we start with the application I've already referred to at page 316, and the sick note submitted on 29 October 2025 by the Claimant is at page 318. This is the letterheaded document I've referred to above. Page 319 identifies from the Respondent's PDF software, that different parts of the text had been added at different times in the creation of that PDF. Page 320 identifies that there are five additions to the letter via the PDF and out of those five, items one to four (page 319) show that the date that that text was added to the PDF was indeterminate. However, importantly, number five is the text itself which says *"this is to confirm that Mohammed Razwan has illness [sic] because of this cannot work"*. The wording is perhaps cause for concern and then it says *"The sick note is from the 8 October 2022 to 28 October 2022. If there is recovery, then further sick note [sic] is not required"*. That text on analysis by the PDF software was created on 29 October 2025 at 10:07 and plainly, it cannot possibly have been the text that was added by the surgery because the date of the sick note was asserted to be dated in October of 2022 and covering a period off work in October 2022 and yet text is being added to that document on 29 October 2025.
64. In those circumstances, on balance, I regrettably find that the Claimant does appear to have submitted fabricated evidence in the form of that fit note to the Tribunal, in support of an ill-founded privacy application on 29 October 2025. That, in my judgment, plainly amounts to unreasonable, scandalous or vexatious conduct on the part of the Claimant.
65. Further items are relied upon by the Respondent, including the Claimant's failure to

turn up to today's hearing and his more recent applications for yet further privacy orders, which were refused by Employment Judge Perry yesterday, I decline to make any further findings on unreasonable conduct on those matters, but plainly it is unfortunate that the Claimant is continuing to act in the way that he has since the commencement of these proceedings.

66. As to whether a fair trial is still possible and whether there ought to be some lesser sanction than strike out my findings are as follows.
67. Given the circumstances of this case it's absolutely clear to the Tribunal that a fair trial will not be possible due to the scandalous and unreasonable conduct that I've already found above.
68. The reason I am fortified in that view is because of the very detailed summary provided by Employment Judge Power from the 20-21 October 2025 hearing, where it is plain that due to the Claimant's conduct the progress of the hearing was hampered. The persistent number of applications being made during the course of the proceedings as well as a number of attempts to postpone the hearing due to ill health, which included the Claimant asserting that he'd been taken unwell during the course of that hearing on those two days, would mean that this conduct, if repeated would render the trial unfair. Further, the Claimant during the hearing on 21 October 2025 also suggested that he was having various technical difficulties, which hadn't been present in earlier parts of that same hearing. If this case were to proceed to a final hearing, it's likely that that hearing would be rendered completely unfair by that conduct of the Claimant continuing. He has continued with this conduct to date by making further applications during the day of this hearing, sending further documents suggesting there is an appeal which doesn't seem to have even been filled out and I find that if the trial were to go ahead that the hearing would not be fair to any of the parties, because it would likely not proceed expeditiously to a final decision on the merits of the factual evidence but instead would be likely to be derailed entirely by the Claimant making multiple applications no doubt, for further privacy orders and therefore not actually even allowing the trial to take place within the listed period.
69. I find in the circumstances, considering the *Bolch v Chipman* case, that a fair trial won't be possible. Whether or not that could be remedied through the way in which those proceedings are conducted, it's right to say that the case management hearing back in October 2025, was conducted remotely and still seemingly was unable to proceed with any degree of efficiency in that none of the Respondents' applications could be dealt with because, as soon as the Tribunal attempted to turn their mind to it, the Claimant had technical problems and seemed to be unable to rejoin the hearing and later claimed this was due to his health. This hearing today has been ordered as an in person hearing and the Claimant has elected not to attend because he has instead made a last-minute renewal of his application to postpone this hearing because he's appealing a refusal of a privacy order after having made multiple applications (into the double digits) for privacy orders throughout the currency of this case that have been now refused by three separate judges on a number of different occasions. For that reason, I do not consider that there is any remedy that could be deployed to try and allow this case to proceed to a fair hearing.
70. In any event, even if I were wrong about that, I would still strike out the case on the

basis it has no reasonable prospects of success.

37. For all those reasons even if I were wrong about the first limb of the application under rule 38(1)(a) (ROP), I do in any event, strike out this case under 38(1)(b) (ROP) on the grounds that the conduct of it, by the Claimant has been scandalous and vexatious. Of course, in doing so, I remind myself that this is a high hurdle and there is the two-stage test that I've considered and set out above. I have taken the Claimant's case at its absolute highest. I have also borne in mind whether there are matters of fact that might be in dispute and in respect of that matter, there does not seem to be any dispute that is capable of being resolved in the Claimant's favour as to the identity of this particular Respondent body, which the core reason as to why this claim has no reasonable prospect of success and it also sits at the heart of the scandalous conduct that I have gone on to find on the part of the Claimant. I have also taken into account whether there could still be a fair hearing.
38. I am satisfied that in the exercise of my final discretion that it is appropriate to strike out the case, also on the grounds of unreasonable conduct of the claim.

Costs

39. In terms of the costs application, I'm asked to make an order for costs against the Claimant in this case, because of the conduct I have now found above.
40. In terms of the jurisdiction for me doing so, rule 74 (ROP) subsection 2 provides:
- (2) The Tribunal must consider making a costs order or a preparation time order where it considers that:*
- (a) a party (or that party's representative) has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the proceedings, or part of it, or the way that the proceedings, or part of it, have been conducted,*
 - (b) any claim, response or reply had no reasonable prospect of success, or,*
 - (c) a hearing has been postponed or adjourned on the application of a party made less than 7 days before the date on which that hearing begins.*
67. In terms of that, it is really subsection (b) and to some extent, subsection (a), that are relied upon by the Respondent in making that order.
68. In terms of the legal considerations, I remind myself that costs orders in the Employment Tribunal are very much the exception as opposed to the rule. They are akin to unreasonable conduct costs within the small claims court. The case of **Gee v**

Shell [2002] EWCA Civ.1479 at paragraph 22 reminds me that they are very much an exception in this jurisdiction.

69. I can also take into account the fact that the Claimant has been a litigant in person throughout these proceedings it seems, despite some references to solicitors' involvement. That point is highlighted in the case of **AQ Ltd v Holden [2012] IRLR 648** where at paragraph 33, judge Richardson stated that *"it is not to say that lay people are immune from orders for costs, far from it as the case has made clear. Some litigants in person are found to have behaved vexatiously or unreasonably, even when proper allowance is made for their inexperience and lack of objectivity"*.
70. I have also considered the case of **Vaughan and London Borough of Lewisham & Ors [2013] IRLR 713** where Mr Justice Underhill as he was then, observed that the basis upon which the costs threshold was crossed was not any conduct, which could reasonably be attributed to the appellant's lack of experience as a litigant.
71. There is also no need for me to link the incurring of the costs to any particular conduct of the Claimant and this comes from the case of **McPherson v BNP Paribas (London Branch) [2004] EWCA Civ. 569**, I note that at paragraph 40, the court stated *"I have regard to the nature, gravity and effect of the unreasonable conduct as fact is relevant to the exercise of the discretion that it's not the same as requiring BNP Paribas to prove that specific unreasonable conduct by Mr McPherson caused the particular costs to be incurred"*.
72. This point is again revisited by Lord Justice Mummery in, **Yerrakalva v Barnsley Metropolitan Borough Council [2011] EWCA Civ. 1255**, where he states: *"It is the vital point in exercising the discretion to order costs is to look at the whole picture of what happened in the case and to ask whether there has been unreasonable conduct by the claimant in bringing and conducting the case and, in doing so, to identify the conduct, what was unreasonable about it and what effects it had."*

The main thrust of the passages cited above from my judgment in Mc Pherson was to reject as erroneous the submission to the court that, in deciding whether to make a costs order, the ET had to determine whether or not there was a precise causal link between the unreasonable conduct in question and the specific costs being claimed. In rejecting that submission, I had no intention of giving birth to erroneous notions, such as that causation was irrelevant or that the circumstances had to be separated into sections and each section to be analysed separately so as to lose sight of the totality of the relevant circumstances"
73. Lord Bingham in **Attorney General v Barker [2000] 1 FLR 759**, stated *"Vexatious is a familiar term in legal parlance a hallmark of a vexatious proceedings is in my judgement that it has little or no basis in law or at least has no discernible basis that whatever intention the proceedings may be its effect is subject to the defendant to inconvenience, harassment and expense out of all proportion to any likely gain to accrue to the Claimant"*.
74. The case of **Cartiers Superfoods v Laws 1978 IRLR 315** was where Mr Justice Phillips, as he was then, says *"We think it is right to look and see what the party in question knew or ought to have known if he'd gone about the matter sensibly"*.

75. In terms of the ability of the party to pay, the case of **Arrowsmith v Nottingham Trent University [2012] ICR 159** states at paragraph 37, “*An inability to pay does not in fact, require the Tribunal to assess a sum that was confined to an amount that she could pay, her circumstances may well improve, no doubt she hopes that they will*”.
76. In turning my mind to the present case and the application for costs, it is clear in light of my assessment and findings, as to firstly, the lack of reasonable prospects of success in the claim, but also particularly with reference to the findings that I make about the Claimant’s unreasonable conduct of that claim means that I do find that this is a case where I can exercise my discretion to order costs. In making this decision, I am doing so, whilst keeping at the forefront of my mind, that this is an exception. I do find that this in many ways is an exceptional case because of the findings that I have made and the history of the litigation and how the Claimant has conducted it.
77. In so far as its relevant, and it is to some extent in the exercise of my discretion, the Claimant has from a very early stage in these proceedings been on notice that the Respondent would seek its costs (page 53) 21st November 2024. This is an email from the Respondent to the Tribunal and the Claimant making it clear that they would seek costs if he persisted in trying to sue the wrong legal entity. At page 141 the current formal application for costs on 7 May 2025 was made and make it clear that if the Claimant continues, he is put on notice that costs would be sought on the grounds that the conduct was scandalous and vexatious. In the ET3 itself on 10 December 2024 (page 89) a further costs warning was given and then on page 116, 20 March 2025 a further letter warning about costs and also giving the Claimant the opportunity to withdraw the claim without any adverse or application for costs being pursued. Page 248 on 8 August 2025 the Tribunal sent a letter to the Claimant in respect of the costs application and the parties, saying that that would be something that would be considered in the preliminary hearing, which at that stage was due to take place in September 2025 but subsequently moved to the October hearing in front of Employment Judge Power. At page 248 Employment Judge Smart at paragraph 3 of his order, ordered the Claimant to specifically to complete an EX140 form to set out his means with a view to dealing with any costs order or indeed a deposit order if that’s the way the case had gone. The Claimant was warned further at paragraph 10 of that order, that if he fails to produce those documents, inferences can be drawn as to his ability to meet any such orders.
78. The Claimant has provided no response to that invitation to fill out the form as to his means or given any evidence or comment about the means of his ability to pay the costs order. On page 276, Employment Judge Power at paragraph 16, ordered the Claimant to again, provide documentary evidence of his means and that inferences would be drawn if he fails to do so, and found that thus far he had not provided the evidence.
79. The Claimant was reminded again on 4 November 2025 at page 143 that he should be providing such information. His response and only response in respect of the costs application is on 8 May 2025 and simply to suggests that because the Respondent’s position is entirely based on lies, there should be no such order, and he should in fact have orders for his own costs.

80. That is the brief history of how the threat of costs orders has featured in this case. In considering my discretion and in particular, the fact that the Claimant has been a litigant in person, I have particular regard to the fact that in this case, the Claimant's own documentation, identified that he was in fact employed by Lloyds Pharmacy Ltd. I can not reasonably explain the conduct he has engaged in by reference to the fact he is a litigant in person.
81. What's more, the Claimant then saw fit to issue a claim in the Employment Tribunal against Lloyds Pharmacy Ltd. It is not known what happened to that claim, but it was certainly given a case number and for reasons only known to the Claimant he has elected to persist in suing, what I have found to be the wrong entity, or indeed not a legal entity at all, notwithstanding the fact that his own email documentation for the appointment to his job referred to Lloyds Pharmacy Ltd he nonetheless chose to sue a different entity.
82. The comment of Mr Justice Phillips in ***Cartiers Superfoods v Laws*** 1978 IRLR 315 was where he stated, "*it's right to see what the party knew or ought to have known if he'd gone about the matter sensibly*", strikes a chord here. I take that into account that he has been acting as a litigant in person throughout, but I simply cannot find any good explanation as to why he has persisted in this manner, save for the footer of the email, which I have already dealt with above. This point was then very much overtaken by subsequent documentation, which made it very clear that the only possible entity was Lloyds Pharmacy Ltd, or any successor in title, in terms of Diamond DC02 Ltd. This information was there to be seen, and the Claimant has had ample opportunity to consider that throughout the life of this claim, which has been a considerable period of time since 25 October 2024. It is now 27 March 2026, and he has nonetheless maintained this impossible position, whilst simultaneously making unfounded allegations of dishonesty against the Respondent stating that they have misled him as to the identity of his employer, and for these reasons I do take the exceptional step of exercising my discretion to make an order for costs.
83. I also find that it is the very conduct of the Claimant that has led to the totality of the cost claimed being incurred. Indeed, the whole of these ill fated proceedings ought not to have been brought at all and had he not done so or abandoned the claim at a much earlier stage these costs could have been avoided.

Assessment of Costs

84. I have considered the Respondent's schedule of costs and undertaken a summary assessment having regard to the principles set out in CPR 44.3 (4) and I have assessed those costs on the standard basis. I have been unable to make any assessment as to the Claimant's ability to pay due his failure to comply with the orders for him to provide evidence of his means. I have looked at the costs claimed in the round and considered the nature of this case, the nature of the correspondence being received and the somewhat persistent theme of the correspondence, and whilst I'm

not suggesting the solicitor should have simply ignored it, but I can think that this was one of those situations where quite a lot of the work required was repetitive as the Claimant was constantly making the same points. Taking this into account I assess the costs in total at £18,750. Essentially, what I've done is I've looked at the work on documents and taken a broad brush assessing those costs down to £10,000, and then I've added on counsel's fees, which I find to be reasonable and proportionate, which brings the total to £18,750.

85. The claim therefore stands struck out and I have ordered that the Claimant do pay the Respondent's costs, which have been summarily assessed in the sum of £18,750.

**Approved by:
Employment Judge Manley
18 June 2026**