Case No: 6002467/2024

EMPLOYMENT TRIBUNALS

Claimant: **Linda Khumbanyiwa**

Respondent: **Tom and Ruth Chapman**

JUDGMENT ON RECONSIDERATION

The application for reconsideration is refused.

REASONS

1. This judgment addresses an application dated 4 October 2026 by the claimant (***the Application***) for reconsideration of the Tribunal's judgment striking out the claim which was sent to the parties on 26 September 2026 (***the Judgment***).

2. Rule 70 sets out the relevant process for reconsideration. It falls to me initially to consider whether Rule 70(2) applies:

   "If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal."

3. I have considered the grounds raised in the Application. In my judgement, there is no reasonable prospect of the original decision being varied or revoked. This is for the following reasons.

4. Regarding Ground I (Material Misdirection as to the Legal Basis of the Claim), this appears to be a further attempt by the claimant to re-cast her claim. Whilst she did tick the boxes for disability discrimination and whistleblowing, the ET1 did not identify the relevant disability or any relevant protected disclosures. The ET1 does not even tick the box for sex discrimination. But even if the poorly-pleaded nature of the claim could be overcome by further particulars / amendment (see Ground II (Procedural Unfairness and Premature Strike-Out)), that was not the only reason for strike out.

5. Regarding Ground III (Prima Facie Personal Liability of Individual Respondents), this is based on the false premise that I ruled the Respondents cannot face personal liability due to corporate shield principles. The point made in paragraph 8(a) of the Judgment is a different one: that nowhere in the

ET1 or any of the materials has the claimant explained why they are personally responsible for the 'high heels' policy. But even if I am to assume the unevidenced assertion that the Respondents were personally responsible for the 'high heels' policy is correct, that was not the only reason for strike out.

6. Regarding Ground IV (Misapplication of the 'Just and Equitable' Time Extension Test), I am satisfied that I gave proper weight to the matters she identifies. Youth and lack of legal comprehension are not in themselves factors that can bear significant weight. The development of severe osteoarthritis in 2024 and consequent mental health impact does not explain the delay prior to that from the end of the Claimant's employment in 2018. I carefully reviewed the medical evidence but, in my judgement, concluded there was no reasonable prospect of it outweighing the very substantial delay in the bringing of the claim when considering the 'just and equitable' test. Moreover, there is very obvious prejudice to the Respondents in having to defend, in their personal capacities, a claim arising out of events that happened during a period of employment that ended over 8 years ago.

7. The claim having been properly struck out, it would not be appropriate to consider adding a corporate respondent (Ground V). In any event, a statutory insolvency moratorium applies to the proposed respondent, which is in Administration, so such an order could not be made anyway at this time.

8. The Application is therefore refused.

Approved by:

Employment Judge Abbott

Date: **8 October 2026**

JUDGMENT SENT TO THE PARTIES ON
15 October 2026

FOR THE TRIBUNAL OFFICE

P Wing

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