



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Chapwanya

**Respondent:** Local Fundraising

**At:** Leicester Hearing Centre, 5a New Walk, Leicester, LE1 6TE

**On:** 25 August 2022

**Before:** Employment Judge Adkinson sitting alone  
Decided on the papers

## RECONSIDERATION JUDGMENT

1. The claimant's application that the judgment dated 21 July 2022 be reconsidered is dismissed because there is no reasonable prospect of the judgment being varied or set aside.
2. The reasons are as follows:
  - 2.1. On 27 June 2022 the Tribunal warned the claimant it was considering striking out his claim because it had not been actively pursued and because he had not complied with the Tribunal's order dated 13 June 2022.
  - 2.2. The Tribunal said the claimant had to 4 July 2022 to either send in his objections or ask for a hearing.
  - 2.3. The claimant did neither.
  - 2.4. On 21 July 2022 I considered the file. I decided that claimant had not actively pursued his claim and had not complied with his order. In all the circumstances the strike out was proportionate. Therefore by a judgment that date I struck out the claim.
  - 2.5. The judgment sent to the parties on 26 July 2022.
  - 2.6. On receipt that day the claimant wrote to the Tribunal saying he had not received the correspondence and would like to "appeal" the judgment.
  - 2.7. I took that to be a request for reconsideration.
  - 2.8. On 3 August 2022 I invited the claimant to provide his substantive response to the strike out warning so I could take

into account before deciding if the reconsideration application had a reasonable prospect of success.

- 2.9. The claimant did not reply to that request.
- 2.10. I have considered the file. I note that all correspondence was sent to the claimant either at the postal address he provided (and which he has never amended) or to the email address that he provided and which is identical to the one to which the Tribunal emailed the judgment and my comments 3 August 2022, and from which he emailed his application for reconsideration.
- 2.11. While the claimant says he has not received the correspondence he has provided no proof that he did not receive it. Besides by 3 August 2022 the correspondence was sent to an email address he himself used from which to communicate with the Tribunal. All correspondence was sent to addresses he provided.
- 2.12. He has provided no substantive response (despite being given the opportunity to do so) to the proposal to strike out the claims.
- 2.13. There is no explanation why the Tribunal would be wrong in concluding he had not actively pursued his claims or had not complied with orders. There is no explanation why strike out is disproportionate.
- 2.14. The fact remains he has not actively pursued his claims. He has not complied with the orders. He had not made representations even when the email of 3 August 2022 was sent to an address he used and had access to.
- 2.15. Therefore there is no basis to believe the Tribunal would come to a different conclusion and not strike out his claims.

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Employment Judge Adkinson

Date: 25 August 2022

JUDGMENT SENT TO THE PARTIES ON

#### **Notes**

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