



EMPLOYMENT TRIBUNALS

Claimant: Mr F Duruiheoma

Respondent: Dovecote Park Limited

Heard at: Leeds **On:** 23 July 2019

Before:

Employment Judge JM Wade
Mrs J Maughan
Mrs S Robinson

Representation

Claimant: In person
Respondent: Mr G Miller (legal executive)

Upon reading the respondent's written application for costs dated 19 August 2019; and
Upon reading the claimant's written objections dated 29 August 2019; and
Upon the Tribunal considering the papers in chambers between 19 August and 15 October 2019:

JUDGMENT

The respondent's application for costs is dismissed.

REASONS

For the reasons set out in his objections, the claimant's belief that his dismissal was influenced by race was not unreasonable. He was reasonably entitled to a trial of the issue, and he did not act "otherwise unreasonably", in continuing, an Employment Judge having formed the view at the case management stage that the case was not one of "little reasonable prospects of success". For the reasons set out in his objections, a subsequent without prejudice save as to costs letter does not alter this position in this case. Further, the case cannot be said to be one which had, before a hearing, no reasonable prospect of success, for the reasons set out in the claimant's objections, including that evidence was put forward for the claimant's belief, albeit that was not accepted by the Tribunal.

Employment Judge JM Wade

Date 15 October 2019