



EMPLOYMENT TRIBUNALS

Claimant: P

Respondents: Aviva Ltd

**London Central
Employment Judge Goodman**

7 February 2019

COSTS JUDGMENT

The respondent's application for costs is dismissed under rule 37(d) because not actively pursued.

REASONS

1. On 4 January 2019 the tribunal heard the respondent's application for costs, the claims having all been dismissed following a full hearing in June 2018.
2. An application by the claimant to postpone the hearing was refused. Reasons were given on the day. Part way through the substantive hearing day the parties asked for time to discuss terms, which was granted, but by the end of the hearing day no concluded agreement had been reached.
3. The parties were therefore ordered to inform the tribunal in 7 days if the costs application was withdrawn. Otherwise they were to file written representations and the application would be decided without a hearing.
4. The claimant had permission to serve a further submission by 18 January 2019 and the respondent to reply by 25 January.
5. The written order was sent to the parties on 9 January and since then nothing more has been heard from either side. The tribunal has however received from the Employment Appeal Tribunal an order dismissing the claimant's appeal on withdrawal, the parties having signed a consent order.
6. Having regard to the overriding objective the respondent's application is now dismissed because (1) neither side has complied with the order (2) it is possible, even probable, that the costs application formed part of the terms of settlement of the appeal and the parties have forgotten to tell the Employment Tribunal (3) the alternative, listing a date for the three person panel to reconvene to decide the application on the basis of evidence and submissions heard on 4 January, is time consuming and will involve inconvenience and expense.
7. If some relevant correspondence has gone astray and the costs application is still live then either side can apply for reconsideration under rule 70.

Employment Judge Goodman

Case No: 2207147/2017

Date 7 February 2019

JUDGMENT SENT TO THE PARTIES ON

11 February 2019

.....
FOR THE TRIBUNAL OFFICE