



EMPLOYMENT TRIBUNALS

Claimant: Mr Jose Penalva
Respondent: London School of Commerce and IT Limited
Heard at: East London Hearing Centre
On: 15 November 2022
Before: Employment Judge Townley

Appearances

For the Claimant: In person
For the Respondent: Mr A Otchie (instructed by Addison & Khan)

JUDGMENT

1. The claim for breach of contract is not well-founded and is dismissed.
2. The Respondent made an application for costs. The Claimant was given the opportunity to address the tribunal in respect of the application and his objections were noted. There was a delay in the Respondent's solicitors sending through the schedule of costs to the tribunal. The Claimant was asked to remain in the room and was put on notice that he would be required to give evidence of about his means and to address the court about his ability to pay any costs order once the schedule had been received, At some point during this time, the Claimant left the tribunal. No messages were received by the tribunal from the Claimant to indicate why he had done so. Therefore, the claim for costs was considered in the Claimant's absence and without the court having heard any submissions about the Claimant's means and ability to pay.
3. The Claimant is ordered to pay costs in the sum of £12,351.60 to the Respondent pursuant to The Employment Tribunals (Constitutional and Rules of Procedure) Regulations 2013, reg 76(1)(a) in that the Claimant acted unreasonably in either the bringing of the proceedings or the way that the proceedings have been conducted.
4. The Claimant may apply, in writing, within 14 days of this judgment to make an application for the decision in relation to costs re-considered. Any such application must be accompanied by a statement of the Claimant's means and ability to pay any costs order. The Claimant should also give an explanation as to why he left the hearing and provide any evidence in support of that reason.

Case Number: 3200757/2022

**Employment Judge Townley
Date: 12 February 2023**