



# EMPLOYMENT TRIBUNALS

**Claimant:** Z

**Respondents:** (1) Commerzbank AG  
(3) David Declan Clapham  
(4) Simon Hornibrook  
(5) Anna Lowe  
(6) Hope Jackson

## JUDGMENT

The claimant's application dated 3 March 2023 for reconsideration of the Judgment and deposit orders sent to the parties on 23 February 2023 is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. The claimant suggests that the outcome of the appeals against the decisions of the Snelson Tribunal would have an effect on the conclusions reached about whether the protected acts should be struck out. It appears however that the only ground of appeal which has made it through the sift relates to whether an anonymity order should be lifted rather than any challenge to the substantive findings of the Snelson Tribunal. I can see no basis on which the outcome of that appeal would alter my conclusions on strike out.
2. The claimant says that incontrovertible statements of his witnesses demonstrate that the training modules produce or lead to certificates of completion. However my reasons for making the deposit order as set out at paragraph 69 of the Reasons did not depend on whether there were or were not training certificates. I had regard to the witness statements produced by both parties but a strike out / deposit order hearing is not a mini trial and I judged whether there were prospects of success on the basis that the claimant would be able to establish the facts asserted in his claim, save where there was incontrovertible evidence to the contrary.
3. The claimant points to inaccuracies in the Judgment, one of which is a typo, one of which is an error in recording a witness' name. The claimant is however not correct about the date of presentation of claim 3 which is correctly recorded

in the Judgment. The other errors are regrettable but made no material difference to the decision;

4. As recorded by the claimant, I did mention that I had recently been involved in two different claims involving the same respondent. My involvement in those claims, in one of which the claimant was successful, in the other of which the claimant was unsuccessful, made no difference to my decision in these proceedings. Neither party objected to my involvement in these proceedings.

Employment Judge Joffe  
10/03/2023

Sent to the parties on:  
10/03/2023

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For the Tribunal Office: