



EMPLOYMENT TRIBUNALS

Between

Mr F Affram

Claimant

and

Generate FS Limited

Respondent

JUDGMENT

It is the judgment of the Tribunal that the application by the Claimant for costs against the Respondent be dismissed.

REASONS

- 1 There was a hearing on 19 December 2016 at which the Claimant was partially successful, following which he has made a claim for costs. The costs regime is covered by the Employment Tribunals Rules of Procedure 2013. The Claimant represented himself and cannot therefore technically make an application for costs. He can make an application for expenses incurred by an individual who attends to give evidence. He may also make an application for a preparation time order in respect of the time he has spent preparing for the hearing. The current rate is £36 per hour. I am treating the Claimant's application as covering both those matters.
- 2 The Claimant seeks payment of £550 in respect of Mr Aduse-Poku attending as a witness. That amount is said to include working time and transportation. It is not clear if it includes travelling costs. I decline to make an order in respect of Mr Aduse-Poku. The first reason is that he did not give evidence, although the Claimant wished him to do so. The information he wished to provide was simply not relevant to the Claimant's claim. Secondly, the Tribunal does not have the jurisdiction to make an order in respect of loss of income, which is what it appears is being claimed.
- 3 The Claimant seeks payment of £1,250 to cover two weeks of his time, and £34.90 for copying costs. The Tribunal may only make an order in the circumstances where it finds that the Respondent acted unreasonably in defending the proceedings, or that the response had no reasonable prospect of success.

- 4 The only basis put forward by the Claimant justifying the application was that the Respondent had failed to engage in meaningful discussions with him and with ACAS. I have no further details. However, out of three heads of claim brought by the Claimant, he was only successful in one, and that related to leave pay. The factual position was not straightforward, and I could not possibly conclude that the Respondent had acted unreasonably in defending the claim, nor that there was no reasonable prospect of success in pursuing the defence.
- 5 The application by the Claimant is therefore dismissed.

Employment Judge Baron

27 February 2017

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.