



EMPLOYMENT TRIBUNALS

Claimant: Miss K Matyka

Respondent: Sports Direct.com Retail Ltd

Heard at: Nottingham

On: 16, 17 and 18 November 2020

Before: Employment Judge J Blackwell

Members: Mr G Edmondson
Mrs L Lowe

Representation

Claimant: In person

Respondent: Ms E Misra of Counsel

JUDGMENT

The unanimous decision of the Tribunal is that the case is to be adjourned part-heard to be resumed before the same Tribunal at a date to be fixed.

REASONS

1. During the morning of today (the third day of this Hearing), Miss Matyka became gradually more upset. We took two breaks and then adjourned for lunch. On resumption, it was abundantly plain that Miss Matyka was not fit to continue. Ms Misra submitted that we could continue by dealing with the outstanding cross-examination of Miss Pawlik and Miss Stocks by way of written questioning. Unfortunately, it was clear that Miss Matyka was not able to deal with putting questions into writing. Tomorrow (19 November) was allocated as decision day and therefore was not available as a hearing day. Therefore, in our view we had no alternative but to adjourn.
2. We have two concerns. The first is about Miss Matyka's health and whether it is in her own interests to continue to pursue her claim. We have suggested that she seek medical advice.

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3. Assuming that Miss Matyka is fit to continue, our other concern is that thus far her cross-examination has not been directed toward the issues that we have to determine. We fully understand that Miss Matyka is a litigant in person and, further, that she has a very limited understanding of English. However, there are two parties in this action and we have to balance the costs that the Respondent is incurring, which we accept will be irrecoverable, against the disadvantages Miss Matyka labours under, including her mental condition.

Employment Judge J Blackwell

Date: 19 November 2020

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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