



EMPLOYMENT TRIBUNALS

Claimant: Mr M Hassaballa

Respondent: Mid and South Essex University Hospitals NHS
Foundation Trust

JUDGMENT WASTED COSTS

Rule 80 of the Employment Tribunals Rules of Procedure
2013.

The Claimant's solicitors Hunt & Coombs LLP are to pay to the Respondent, within 14 days of the date of this judgment, the sum of £2597.64 plus VAT of £444.54 in respect of its wasted costs of the Preliminary Hearing on 15 June 2022.

REASONS

1. By letter dated 29 June 2022 the Respondent's solicitors made an application for wasted costs in respect of the Preliminary Hearing on 15 June 2022 which had been listed to determine the Claimant's application to amend his claim.
2. By its response to that letter dated 13 July 2022 the Claimant's Solicitors confirmed that it did not oppose the application and apologised to the Tribunal and the Respondent's Representative for the unnecessary preliminary hearing.
3. I am satisfied that the Respondent was put to unnecessary expense in preparing for and attending the preliminary hearing on 15 June 2022 as a result of the Claimant's solicitors admitted failure to respond to their correspondence. I am also satisfied that the failure was unreasonable in the circumstances and that it is unreasonable to expect the Respondent to bear the costs of responding to the amendment application and preparation for, attendance at the preliminary hearing and in making the application for

wasted costs.

4. I therefore make a wasted costs order in favour of the Respondent under Rule 80 of the Employment Tribunals Rules of Procedure 2013, in the sum of £2597.64 plus VAT of £444.54.

Employment Judge C Lewis

9 September 2022