



**EMPLOYMENT APPEAL TRIBUNAL**

**BEFORE**

**HIS HONOUR JUDGE JAMES TAYLER  
SITTING ALONE**

Appeal No EA-2023-000822-RS

IN THE MATTER of an Appeal under Section 21(1) of the Employment Tribunals Act 1996 from the decision of an Employment Tribunal sitting at London Central and sent to the parties on 05 July 2023

**BETWEEN :**

Mr J Logo Appellant

- and -

(1) Payone GMBH (2) Ms D Vogt  
(3) Mr A Moritz Respondents

**AND**

Appeal No EA-2023-001266-RS

IN THE MATTER of an Appeal under Section 21(1) of the Employment Tribunals Act 1996 from the decision of an Employment Tribunal sitting at Watford and sent to the parties on 15 September 2023

**BETWEEN :**

Mr J Logo Appellant

- and -

(1) Payone GmbH (2) Mr S Schrader  
(3) Mr A Boyens Respondents

UPON HEARING Mr John Platts-Mills of Counsel appearing under the Employment Law Appeal Advice Scheme on behalf of the Appellant, and Mr Jerry Logo the Appellant in person

AND UPON the Appellant's application pursuant to Rule 3(10) of the Employment Appeal Tribunal Rules 1993 (as amended) in appeal EA-2023-000822-RS

AND UPON the appeal in EA-2023-001266-RS having been set down for a Preliminary Hearing pursuant to Section 4.3 of the Employment Appeal Tribunal Practice Direction 2023

AND UPON the matters having been heard on 01 May 2024

AND UPON the Appellant being granted until 4.00pm on 02 May 2024 to lodge draft amended grounds of appeal for the consideration of His Honour Judge James Tayler

IT IS ORDERED THAT:

1. The Appellant's application pursuant to Rule 3(10) [REDACTED]  
[REDACTED]
2. No further action be taken on appeal [REDACTED]  
[REDACTED]
3. IT IS DIRECTED [REDACTED]  
[REDACTED]
4. Leave is granted for the Appellant to amend the Notice of Appeal in Appeal EA-2023-001266-RS in accordance with the form produced to the EAT and attached to this Order: the Respondents to have liberty to apply on paper within 14 days of the sealed date of this Order on notice to the other parties to vary or discharge the Order in this paragraph and/or for consequential directions as to the hearing or disposal of the appeal.
5. Grounds 1 and 3 in Appeal EA-2023-001266-RS are allowed to proceed.
6. The remaining grounds of appeal in Appeal EA-2023-001266-RS are dismissed for the reasons attached.
7. IT IS DIRECTED that any application for permission to appeal in respect of the grounds dismissed in appeal EA-2023-001266-RS should be made to the Employment Appeal Tribunal within 7 days, or to the Court of Appeal within 21 days, of the seal date of this Order
8. Grounds 1 and 3 of Appeal EA-2023-001266-RS be set down for a full hearing for the Reasons attached to this Order. The time estimate for the full hearing (including time for judgment to be delivered – see Section 11.2 Employment Appeal Practice Direction 2023) is 1 Day,

*the parties are to notify the Tribunal in writing if they disagree with this time estimate.* The appeal is Category [B].

9. Within 28 days of the seal date of this Order, the Respondents must lodge with the Employment Appeal Tribunal and serve on the Appellant an Answer, and if such Answer include a cross-appeal shall forthwith apply to the Employment Appeal Tribunal on paper on notice to the Appellant for directions as to the hearing or disposal of such cross-appeal.
10. The parties will be notified of the hearing date in due course. The hearing will be conducted in person. If any party has a concern about attending a hearing in person they should raise it in writing to the Employment Appeal Tribunal using the application form at Annex 2 of the Employment Appeal Tribunal Practice Direction 2023 (with a copy to the other party or parties) within 14 days of the seal date of this Order or, if the concern arises later because of a change in circumstances, as soon as practicable after the concern arises. The other party or parties may then write to the Employment Appeal Tribunal (copy to the party that has raised the concern) with any comments, within 7 days of receipt. A Judge or the Registrar will thereafter decide whether the hearing should proceed in person or remotely or some other Order should be made, and the parties will be notified of their decision. The Employment Appeal Tribunal may, itself, notify the parties that the hearing will be converted to a remote hearing, should it be decided that it is appropriate or necessary to do so.
11. The parties shall co-operate in compiling and agreeing and shall, by no later than 28 days prior to the date fixed for the hearing of the full appeal, lodge with the Employment Appeal Tribunal **2** hard copies and an electronic copy of an agreed, indexed and paginated bundle of material documents for the hearing of the appeal prepared in accordance with Sections 11.3 and 11.4 of the Employment Appeal Tribunal Practice Direction 2023. In addition to those set out at 11.3, other relevant documents which are necessary fairly to consider the appeal and that you are likely to refer to at the full hearing may be added as a Supplementary bundle. If any Supplementary Bundle is more than 50 pages long you must seek permission from the Employment Appeal Tribunal to rely on it.
12. The Appellant shall lodge with the Employment Appeal Tribunal and serve on the Respondents a chronology and the parties shall exchange and lodge with the Employment Appeal Tribunal **2** hard copies and an electronic copy of skeleton arguments in the form required by Section 11.6 of the Employment Appeal Tribunal Practice Direction 2023, not less than 14 days before the date fixed for the hearing of the full appeal.

13. The parties shall co-operate in agreeing a list of authorities and shall jointly or severally lodge 1 hard copies and an electronic copy of a bundle of authorities in the form required by Section 11.7 of the Employment Appeal Tribunal Practice Direction 2023 not less than 7 days prior to the date fixed for the full hearing.
14. The parties are permitted to apply for this Order, or part of it (save for paragraphs 1 and 4), to be varied, supplemented or revoked. Any such application should be copied to the other party or parties. The Employment Appeal Tribunal may, on its own initiative, vary, supplement or revoke this Order, or part of it. If this order, or any part of it is varied, supplemented or revoked, the parties will be notified.

**D A T E D** 08 May 2024




**TO:** Mr J Logo the Appellant  
Orrick, Herrington & Sutcliffe (UK) LLP for the Respondents

The Secretary, Central Office of Employment Tribunals, England & Wales

(Case No. 2206197/2022 & 3303090/2021)

Rule 3(10) application / Preliminary Hearing

Reasons

EAT number	EA-2023-000822-RS and EA-2023-001266-RS
Appellant	Mr J Logo
Respondent	(1) Payone GMBH (2) Ms D Vogt (3) Mr A Moritz
EAT number	EA-2023-001266-RS
Appellant	Mr J Logo
Respondent	(1) Payone GmbH (2) Mr S Schrader (3) Mr A Boyens
Date of Hearing	01 May 2024
Judge	His Honour Judge James Tayler
Topic(s) (2 max.)	
Allowed to Proceed to Full Hearing	
Reasons (please give enough detail for the Full Hearing judge to understand the basis on which you allowed the matter to proceed):	
1.	 
2.	

EA-2023-001266-RS

3. I refer to the grounds of appeal as amended:

Ground 1

4. I consider it is arguable that the Employment Tribunal erred in its analysis of the “Pure Blond Incident” for the reasons set out concisely in the ground of appeal.

Ground 2

5. I do not consider it is arguable that the Employment Tribunal erred in its analysis of the claim in respect of the claimant’s wages. I consider the challenge is, in reality, an attempt to reargue matters of fact.

Ground 3

6. I consider it is arguable that the Employment Tribunal erred in its analysis of the time issue for the reasons set out concisely in the ground of appeal.

Ground 4

7. I do not consider it is arguable that the Employment Tribunal erred in its analysis of Ms. Gaswindt’s treatment of the claimant after the “blackface” incident. I consider the challenge is an attempt to reargue matters of fact.

Ground 5

8. I do not consider it is arguable that the Employment Tribunal erred in its analysis of the constructive dismissal claim. I do not consider it is arguable that the Employment Tribunal applied the wrong law or failed to give any or any adequate weight to material factors. The analysis the various factors relied on by the claimant was one of fact for the Employment Tribunal.

Ground 6

9. I do not consider that this ground of appeal could arguably surpass the very high threshold for establishing perversity.

