



EMPLOYMENT TRIBUNALS

Claimant
Mr L McLaughlin

Respondent
BUPA Care Homes (GL) Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Made at Middlesbrough
By Employment Judge Garnon

On 19th December 2017

JUDGMENT

The claims for holiday pay, notice pay and other payments are dismissed on withdrawal by the claimant. His claims of contravention of the Equality Act 2010, unfair dismissal and/or subjection to detriment on the ground he had made protected disclosures are to continue.

REASONS

1. The Employment Tribunal Rules of Procedure 2013 (the Rules)include

End of claim

51. *Where a claimant informs the Tribunal, either in writing or in the course of a hearing, that a claim, or part of it, is withdrawn, the claim, or part, comes to an end, subject to any application that the respondent may make for a costs, preparation time or wasted costs order.*

Dismissal following withdrawal

52. *Where a claim, or part of it, has been withdrawn under rule 51, the Tribunal **shall** issue a judgment dismissing it (which means that the claimant may not commence a further claim against the respondent raising the same, or substantially the same, complaint) unless—*

(a) the claimant has expressed at the time of withdrawal a wish to reserve the right to bring such a further claim and the Tribunal is satisfied that there would be legitimate reason for doing so; or

(b) the Tribunal believes that to issue such a judgment would not be in the interests of justice.

2. The claimant at a preliminary hearing before me today said at the time he issued his claim sums were outstanding, but have since been paid , so he withdrew his claim and was content I issue this judgment.

T M Garnon EMPLOYMENT JUDGE
JUDGMENT SIGNED BY EMPLOYMENT JUDGE ON 19th DECEMBER 2017