



EMPLOYMENT TRIBUNALS

Claimant: Mrs G Annell

Respondent: Citizens Advice Southampton

JUDGMENT

The claim for unfair dismissal is dismissed on withdrawal by the claimant.

REASONS

1. On 11 December 2018 at 19:28 the claimant emailed the tribunal confirming that she wished to withdraw her claim.
2. The tribunal wrote on 19 December 2018 the vacating the hearing listed for 16 and 17 January 2019, acknowledging the withdrawal of the claim and explaining that a dismissal judgment would follow in due course.
3. On 2 January 2019 the claimant emailed the tribunal saying she felt obliged to withdraw her claim for two reasons. First, the delay in replying to a request to rely on an audio recording. Secondly, the fact that the bundle was not agreed. As a result the claimant says she wanted to rescind the withdrawal of her claim.
4. Where a claimant informs the employment tribunal that a claim is withdrawn, the claim is discontinued and thereby comes to an end. Under rule 52 of the Employment Tribunal Rules, the tribunal will automatically issue a judgment dismissing the claim that has been withdrawn, unless: (i) the claimant expresses, at the time of withdrawal, a wish to reserve the right to bring a further claim against the respondent raising the same, or substantially the same, complaint and the tribunal is satisfied that there would be legitimate reason for the claimant to do so, or (ii) the tribunal believes that to issue such a judgment would not be in the interests of justice.
5. Therefore, where a claim is withdrawn and comes to an end under rule 51, the tribunal must issue a dismissal judgment unless either of the exceptions in rule 52 applies.
6. In light of the claimant's concerns, the claimant and respondent were afforded the opportunity to set out in writing why the claim should or should not be dismissed.

7. The claimant provided submissions on 19 January 2019 and the respondent on 21 January 2019.
8. Prior to notifying the tribunal of her intention to withdraw the claimant emailed the respondent's solicitor on 10 December 2018 indicating the same and giving them permission to inform the employment tribunal.
9. No reservations were expressed at or about the time of withdrawal.
10. The claimant was informed by letter of 19 December 2018 that a dismissal judgment would be issued on due course. It was not until 2 January 2019 that the claimant expressed concern to the tribunal about the decision to withdraw.
11. Although the claimant says she felt "obliged to withdraw" she clearly intended to do so.
12. It is not in the interests of justice to allow the claimant to recurrent proceedings after withdrawal.
13. Accordingly, the claim is dismissed.

Regional Employment Judge Pirani

Date: 29 January 2019