



# EMPLOYMENT TRIBUNALS

*Claimant*  
**Mr R Mitchell**

*Respondent*  
**Poundland Ltd**

## JUDGMENT at a PRELIMINARY HEARING

**Heard at Middlesbrough**  
Before Employment Judge Garnon

**On 24<sup>th</sup> April 2018**

### Appearances

For the Claimant: in person  
For the Respondent: Ms B Wilson Solicitor's Clerk

### JUDGMENT

**The claim of unfair dismissal is dismissed on withdrawal by the claimant . The remaining claim of race discrimination will proceed to trial**

### 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a claimant informs the Tribunal, either in writing or in the course of a hearing, that a claim, or part of it, is withdrawn, the claim, or part, comes to an end, ...*

#### ***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**52.** *Where a claim, or part of it, has been withdrawn under rule 51, the Tribunal **shall** issue a judgment dismissing it (which means that the claimant may not commence a further claim against the respondent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 was content I should issue a dismissal judgment because he recognised he did not have the qualifying period of continuous employment to claim unfair dismissal .

T M Garnon EMPLOYMENT JUDGE

JUDGMENT SIGNED BY EMPLOYMENT JUDGE ON 24<sup>th</sup> APRIL 2018