



EMPLOYMENT TRIBUNALS

Claimant
Mr R Mitchell

Respondent
Poundland Ltd

JUDGMENT at a PRELIMINARY HEARING

Heard at Middlesbrough
Before Employment Judge Garnon

On 24th 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Where a claimant informs the Tribunal, either in writing or in the course of a hearing, that a claim, or part of it, is withdrawn, the claim, or part, comes to an end, ...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 Where a claim, or part of it, has been withdrawn under rule 51, the Tribunal **shall** issue a judgment dismissing it (which means that the claimant may not commence a further claim against the respondent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 24th APRIL 2018