



EMPLOYMENT TRIBUNALS

Claimant: Mr J Carter

Respondent: Trustees for Captain N C Pease and Karen Cotton

Heard at: Teesside Justice Centre

On:

12 April 2019

Before: Employment Judge S A Shore
Mrs C Hunter
Mr T Denholm

REPRESENTATION:

Claimant: In Person

Respondent: Mr J Anderson, Counsel

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The claimant's claim of unfair dismissal for the reason or principal reason that he alleged that the Respondent had infringed a right of his that is a statutory right, contrary to section 104 of the Employment Rights Act 1996 **fails** because the Tribunal found on the balance of probabilities that he did not make such an allegation.
2. The claimant's claim that he was unfairly dismissed for the reason or principal reason that he had made use or proposed to make use of trade union services contrary to section 152(1)(ba) of the Trade Union & Labour Relations (Consolidation) Act 1992 **fails** because the Tribunal found on the balance of probabilities that he was not a member and had not proposed that he would become a member of a trade union and was only assisted by a trade union official after the date he resigned.
3. The respondent's application for costs is **refused**. The Tribunal found that the allegations that the claimant had acted unreasonably as alleged by the respondent were proven on the balance of probabilities. The claimant left the hearing before details of his assets and income could be determined, despite

being advised that an order could be made in his absence, but the Tribunal decided that as the claimant was a litigant in person and clearly struggled with the legal concepts involved, and had made allegations that had to be tested in Tribunal, it would use its discretion and not make any order.

Employment Judge S A Shore

Date 12 April 2019

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