



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr D Whelan

v

MGRWK Business Support Services Limited

Heard at: London Central

On:

3 December 2019

Before: Employment Judge E Burns

Representation

For the Claimant: Did not appear

For the Respondents: Ms H Parry (HR)

JUDGMENT

1. This case was listed for a final hearing today, 3 December 2019 at 2 pm. The claimant did not attend the hearing.
2. The correct name for the respondent is as shown above.
3. The claimant was employed by the respondent as a bookkeeper between 15 January and 12 April 2019.
4. By a claim form dated 30 June 2019, following a period of early conciliation from 25 to 28 June 2019, the claimant brought a claim for unpaid wages.
5. In his claim form, the claimant says that he accepted an offer from the respondent for 50% of the wages for days he worked in April, but was now bringing a claim for the other 50% as he accepted the lower offer previously "under duress".
6. The respondent provided a copy of the COT3 agreement entered into between it and the claimant in June 2019. The claimant initiated a period of early conciliation under a different case reference to the one relied on as the basis for the claim.

7. I make a finding that the claimant initiated a further period of early conciliation for the same claim that he settled and that there is no basis for his claim that the settlement was “under duress.”
8. The tribunal therefore does not have jurisdiction to consider the fresh claim which is an abuse of process and it is therefore rejected and/or dismissed.

**Employment Judge E Burns
3 December 2019**

Sent to the parties on:

04/12/2019

.....
For the Tribunals Office