



EMPLOYMENT TRIBUNALS

Claimant: Mr M Imran
Respondent: Dixon's Carphone

JUDGMENT

The claimant's application dated 18 December 2019 for reconsideration of the judgment sent to the parties on 13 December 2019 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked.

The claimant emailed the tribunal on 10 December 2019 referring to the preliminary hearing listed to take place on 18 December 2019. He requested a stay of proceedings referring to him suffering from severe anxiety condition and having now suffered more anxiety as a result of the forthcoming preliminary hearing. The tribunal replied to the claimant saying that his application would not be considered until he had copied it to the respondent. The claimant then emailed the tribunal on 12 December 2019. Without any reference to the reasons he stated: "I request the Court to allow me to withdraw from the proceedings and effectively withdraw my claim." He confirmed that this communication had been copied to the respondent's representatives.

The claimant did not express a wish to reserve the right to bring a further complaint and on the face of the correspondence the tribunal considered it to be in the interests of justice to dismiss the claim. The claimant's withdrawal was firstly acknowledged by a letter from the tribunal of 12 December followed by the dismissal judgment sent to the parties on the 18 December.

The claimant now maintains that his withdrawal was "undertaken spur of moment without consultation with anyone" due to his anxiety condition. He said that his anxiety has improved and he is now able to proceed with the tribunal complaint.

As a first stage the tribunal might consider revoking the judgment to dismiss the

Case No: 1806472/2019

claimant's complaints, but once withdrawn, the tribunal has no power to subsequently set aside the withdrawal so as to reactivate the claimant's complaint. The revoking of the dismissal might allow the claimant to bring entirely fresh proceedings, but he is seeking to reactivate an existing claim not to bring any new complaints and where, in any event, any new complaint would then be significantly out of time. There is no indication that the claimant did not have the capacity in terms of his mental health to withdraw his complaint. He had previously turned his mind to a stay in the proceedings given his health but then, 2 days later, clearly chose instead to withdraw his complaints rather than seek a postponement of the forthcoming preliminary hearing.

Employment Judge Maidment

Date 23 December 2019

JUDGMENT SENT TO THE PARTIES ON

Date 30 December 2019