



**Case No. 1300502/2019**

# **EMPLOYMENT TRIBUNALS**

**BETWEEN**

**Mr A Williams                      AND    The Co-Operative Group Limited**

**Claimant    Respondent**

**HELD AT    Birmingham              ON              14 April 2020**

**EMPLOYMENT JUDGE Self**

## **Representation**

**For the Claimant: In Person**

**For the Respondents: Mr P Gorasia - Counsel**

## **JUDGMENT**

All Claims are dismissed upon withdrawal by the Claimant.

## **WRITTEN REASONS**

1. The Claimant brought claims of unfair dismissal, wrongful dismissal, disability discrimination and unpaid holiday pay. The issues for determination were clearly set out in EJ Connolly's order dated 14 June 2019.
2. A number of directions were given on that occasion to enable a five-day hearing to start today to determine those claims. Due to the Covid-19 pandemic the first day of that fixture was changed to a telephone directions hearing in accordance with current guidelines.
3. I was told at this hearing that the Claimant had failed to comply with any of the directions made in June 2019 and the Claimant confirmed that was the case. He explained to me that his health was such that he was not able to comply. There was a notice to show cause sent out in November and the Respondent had indicated that they were about to make an application to strike the claim

out. On 19 March 2020 the Claimant indicated that he was intending to withdraw his claim in an email to the Respondent. They, in turn, suggested that the Claimant inform the Tribunal of his decision, but the Claimant did not do so, hence today's listing.

4. The Claimant told me that he was unable to access legal advice and that he was in no state to deal with the case on his own because of his health and that of his partner who is seriously ill. He had been advised that his own health was unlikely to improve until this litigation, and the stresses it would inevitably impose, were concluded. He explained that whilst he had serious concerns about the way the Respondent had conducted themselves, he wished to withdraw his claim. I make no findings as to the Respondent's conduct one way or the other.
  
5. I was mindful of the time scale that this matter would inevitably take in the current circumstances and there was no indication to me from the Claimant that he would be able to comply in the future with the requirements of this litigation, whatever adjustments were made. His reasoning for withdrawing the claim was sound and I was prepared to accept his unequivocal withdrawal in the circumstances explained. There were no additional applications from the Respondent which also seems an appropriate and proportionate response. Accordingly, I have dismissed this claim upon withdrawal.

Employment Judge Self

14.04.2020

Sent to the parties on:

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For the Tribunal:

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