



## EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100044/2019

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Held in Glasgow on 19 August 2019

Employment Judge L Wiseman

10 Miss D Robertson

Claimant

The Numbers Group

Respondent

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### JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The tribunal, having reconsidered the terms of the Judgment dated 6 March 2019, decided to vary the Judgment by revoking the decision to dismiss the claim. The claim remains withdrawn.

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### REASONS

1. The claimant presented a claim to the Employment Tribunal on the 7 January 2019 alleging she was unfairly dismissed and that various payments were due to be paid.
- 25 2. The respondent entered a response confirming an intention to defend the claim, and setting out their position.
3. The claimant, by letter received on the 1 March 2019, informed the tribunal of the following:-

*“An offer was made to me which I have accepted. While not through official channels but from my friend who still works there I have agreed to two instalments paid on the 28th of March and the 28th of April. I am happy with*

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**E.T. Z4 (WR)**

*this arrangement however if these monies do not appear by agreed date I will be re-claiming. I retain all copies for this reason. Thank you for your help.”*

4. This letter was accepted as a withdrawal of the claim, and a Judgment was issued dated 6 March 2019 recording that the claim, having been withdrawn  
5 by the claimant, was dismissed under Rule 52 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
5. The claimant wrote to the tribunal on the 29 March to advise that the first instalment had not been paid, and seeking advice. The claimant was advised  
10 we would send her letter to the respondent for comment, and that she could either make an application for reconsideration of the Judgment, or bring a new claim to enforce the settlement.
6. The claimant responded by email on the 10 May to say that she had cancelled the tribunal, but only on the understanding the respondent would pay her a  
15 sum on a certain date with the balance a month later. The claimant explained the respondent had paid her half the agreed settlement, but the balance was outstanding.
7. This email was accepted as an application for reconsideration of the Judgment dated 6 March 2019.
- 20 8. The respondent was invited to provide comments regarding the claimant's earlier correspondence, and to provide written submissions regarding the application for reconsideration. The respondent has not replied to any correspondence.
9. I decided, having had regard to the terms of the claimant's correspondence,  
25 that it would be in the interests of justice to reconsider the terms of the Judgment and to revoke (set aside) the dismissal of the claim. This means that if the claimant wishes to take legal action against the respondent to enforce payment of the balance of the settlement, she may do so.
10. I have no power to revoke (set aside) the claimant's withdrawal of the claim.  
30 Rule 51 of the Rules provides that where a claimant informs the employment

tribunal that a claim is withdrawn, the claim is discontinued and thereby comes to an end. Accordingly I confirm the claim will remain withdrawn. This means the claim has come to an end in the employment tribunal and no further action can be taken in respect of the claim.

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**Ms L Wiseman  
Employment Judge**

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**27/08/2019  
Date of Judgment**

15 **Date sent to parties**

**04/09/2019**

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