



IN THE EMPLOYMENT TRIBUNAL (SCOTLAND) AT EDINBURGH

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**Judgment of the Employment Tribunal in Case No: 4114967-2019 Issued
Following Preliminary Hearing Held at Edinburgh on 18th June 2020 by
Telephone Conference at 10 am**

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Employment Judge J G d'Inverno

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Mr E Frost

**Claimant
In Person**

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HM Revenue & Customs

**Respondent
Represented by
Ms N Moscardini,
Solicitor**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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Upon reading the claimant's email correspondence of 17th June 2020 timed at 17:31 and upon hearing the claimant and the respondent by Telephone Conference, at Closed Preliminary Hearing on 18th June 2020 the Employment Judge:-

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(First) Records the claimant's written and unequivocal oral confirmation that he wishes to withdraw his claim in its entirety.

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(Second) Allows the claimant to withdraw his claim; and,

(Third) Dismisses the claim in terms of Rule 52 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 Schedule 1.

REASONS

1. This case called for Closed Preliminary Hearing (Case Management Discussion) before the sitting Judge at Edinburgh (by Telephone Conference) on 18th June 2020 at 10 am.
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2. At 17:31 on 17th June the claimant sent to the Tribunal, and copied to the respondent's representative an email, in terms of which he stated that he wished to withdraw his claim. The claimant attached to the email a number of documents which appeared designed to further or progress his claim. In his email the claimant, who suffers from dyslexia and Asperger's Syndrome, cited as the reasons for him so wishing, the difficulties associated with the current Covid-19 lockdown restrictions which prevented him from accessing the type of assistance which he was used to have in dealing with matters of a type comparable to the pursuit of a litigated claim before the Employment Tribunal.
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3. At the Case Management Discussion the claimant appeared in person. The respondent was represented by Ms Moscardini, Solicitor. The Employment Judge explained to the claimant the finality which would result from an unqualified withdrawal of his claim. Highlighting the reasons for his decision outlined by the claimant in his correspondence of 17th June the Judge explained to the claimant that, subject to any submission to be made by the respondent's representative, the sisting of the case until the occurrence of a sufficient relaxation of the lockdown restrictions was a matter that could be considered in the context of a potential reasonable adjustment to be made in consideration of the claimant's asserted disability.
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4. The claimant, having confirmed that he understood the significance of all that the Judge had said to him, thereafter confirmed unequivocally that he wished to withdraw his claim.
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5. In the circumstances the Employment Judge allowed the claim to be withdrawn and, on the respondent's representative's Application, the claimant not objecting, dismissed the claim in terms of Rule of Procedure 52.

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Employment Judge: Joseph d'Inverno
Date of Judgment: 07 July 2020
Entered in register: 07 July 2020
and copied to parties

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I confirm that this is my Judgment in the case of Frost v HM Revenue & Customs and that I have signed the Judgment by electronic signature.