



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4107735/2021 (V)

Hearing Held by CVP on 28th and 29th June 2021

Employment Judge McFatridge

Miss M Bennett

**Claimant
In Person**

Mitie Ltd

**Respondent
Represented by:
Mr Rozycki -
Barrister
instructed by
Dentons LLP
Solicitors**

JUDGMENT

The Judgment of the Tribunal is that the claim be dismissed following withdrawal by the claimant.

REASONS

In this claim the claimant claims that she was unfairly dismissed by the respondent. The Final Hearing was due to take place on 28th, 29th and 30th June 2021. The Hearing duly commenced. On the first day the tribunal heard from two of the respondent's witnesses namely Mr Robertson and Mr Kneale and the claimant also gave evidence on her own behalf. All evidence was given via witness statements. On the 29th the claimant's witness Ms Fyfe gave evidence. Her evidence was concluded around 11pm and the Hearing was adjourned until 11.10 so that the claimant's next witness could log into the Hearing. Shortly

thereafter the claimant contacted the clerk to advise that she was withdrawing her claim. The clerk asked her to confirm this.

In the meantime when the case called again at 11.10 I adjourned it until 2pm so that the claimant could confirm her position. Shortly thereafter the claimant sent an email to the Tribunal confirming that she wished to withdraw her claim. When the case reconvened at 2pm the respondent's representative was in attendance. I advised that given that the claimant had withdrawn her claim I would grant an Order dismissing the claim.

The respondent's representative indicated that the respondents wished to apply for costs. I indicated that I was not prepared to deal with this without giving the claimant the opportunity to be heard and given that the claimant had indicated in her telephone call with the clerk that morning that she was feeling upset and stressed I did not think it would be fair to insist that the claimant deal with the matter immediately.

I indicated to the respondent's representative that if they wished to apply for costs they should do so within 14 days setting out the amount claimed and in general terms the basis on which costs are being sought. They should also indicate whether they would wish the matter of costs to be dealt with at a Hearing or whether (assuming the claimant is in agreement) the matter of costs could be dealt with on the basis of written representations. I advised that it would be my intention at that point to invite the claimant to indicate whether or not she opposed the application and if she did her grounds for doing so. I indicated I would also ask the claimant at that point whether she wished the matter to be dealt with by fixing a further Hearing or whether she would be happy to deal with the matter on the basis of written representations.

Employment Judge: Ian McFatrige
Date of Judgment: 29 June 2021
Entered in register: 01 July 2021
and copied to parties