



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms B Mkocha  
**Respondent:** The Insolvency Service  
**Heard at:** Liverpool (in private) **On:** 21 February 2022  
**Before:** Employment Judge Buzzard (sitting alone)

## REPRESENTATION:

**Claimant:** In Person  
**Respondent:** Mr Lyons (Counsel)

**JUDGMENT** having been sent to the parties on 28 February 2022 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

## REASONS

1. This hearing was listed for case management purposes. The hearing was in person.
2. Part way through that hearing the claimant stated that she wished to withdraw all her claims. This was after taking a break for lunch.
3. The claimant was informed that if she withdrew her claims that would be final, she would not be able to later change her mind and seek to, in effect, *'un-withdraw'* her claims. The claimant was asked if she wanted more time to consider the position. The claimant declined this and confirmed that she was withdrawing her claims in full.
4. Rule 51 of the Employment Tribunal rules (2013) states:

*"Where a claimant informs the tribunal, either in writing or in the course of a hearing, that a claim, or part of it, is withdrawn, the claim, or part, comes*

*to an end, subject to any application that the respondent may make for a costs, preparation time or wasted costs order.”*

5. This rule permits no judicial discretion. The claimant stated and confirmed that she was withdrawing her claims at a hearing. By operation of rule 51, her claims at that point came to an end.

6. Rule 52 of the Employment Tribunal rules (2013) states:

*“Where a claim, or part of it, has been withdrawn under rule 51, the Tribunal shall issue a judgment dismissing it (which means that the claimant may not commence a further claim against the respondent raising the same, or substantially the same, complaint), unless-*

*(a) The claimant has expressed at the time of withdrawal a wish to reserve the right to bring such a further claim and the Tribunal is satisfied that there would be a legitimate reason for doing so; or*

*(b) The Tribunal believes that to issue such a judgement would not be in the interests of justice.”*

7. The claimant did not indicate a wish to reserve a right to bring further claims. This would usually only be relevant where a claimant has realised that the claim in question should have been presented in a different jurisdiction.

8. Regardless of the dismissal of the claimant’s claim, on her withdrawal her claim came to an end. In other words, she could not further pursue the claim after that point. The dismissal judgement issues did not make any difference to this position. It does, however, give the parties formal notice that the claimant’s claim has come to an end. There is no suggested reason from the claimant as to why this would not be in the interests of justice. No such reason appears to even potentially exist in the circumstances known to the Tribunal.

9. For the above reasons, the claimant’s claims were dismissed.

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Employment Judge Buzzard  
18 March 2022

JUDGMENT SENT TO THE PARTIES ON  
24 March 2022

FOR THE TRIBUNAL OFFICE

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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