



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Linval Hermitt

**Respondent:** Trafford Council

**Heard at:** Manchester Employment  
Tribunal

**On:** 19 – 23 June 2023

**Before:** Employment Judge Cookson sitting with Ms Gilchrist and Ms Whistler

**REPRESENTATION:**

**Claimant:** in person

**Respondent:** Mr Searle (counsel)

## JUDGMENT

It is the unanimous judgment of the Tribunal is that:

1. The claimant's complaints that he was dismissed in accordance with s95(1)(c) of the Employment Rights Act (ERA) is not upheld and accordingly his claims of unfair dismissal under sections 94 and 98 and of automatically unfair dismissal under section 103A of the ERA do not succeed and are dismissed.
2. The claimant's complaints under section 47B of the ERA are not upheld and are dismissed.
3. The reasons for not upholding the complaints are substantially the same as the reasons why the claimant was ordered to pay a deposit of £300 by Tribunal Judge Sharkett in an order under Rule 39 of the Employment Tribunal Rules of Procedure dated 14 June 2022. The claimant has not shown that he acted reasonably in pursuing his claim for constructive dismissal and accordingly under Rule 39(5)(b) the deposit shall be paid to the respondent.

Employment Judge Cookson

23 June 2023

JUDGMENT SENT TO THE PARTIES ON  
30 June 2023

FOR THE TRIBUNAL OFFICE

**Notes**

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.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.