



EMPLOYMENT TRIBUNALS

Claimant: Mr C McIntyre

Respondent: Persimmon Homes Ltd.

HELD AT/BY: Wrexham by CVP **on:** 31st January 2024

BEFORE: Employment Judge T. Vincent Ryan

REPRESENTATION:

Claimant: Mr P Morris, Counsel

Respondent: Ms A Greenley

Preliminary Hearing DECISION & ORDER

The decision and Order of the Tribunal is:

1. The Respondent's application for an Order striking out the Claimant's claim is refused, in the interests of justice.
2. The Claimant's application to amend his claim is refused, in the interests of justice. For the avoidance of doubt, the refusal of amendment is in respect of the Claimant's specific application to add a claim of Victimisation as well as any deemed purported amendment consequential upon the Claimant's presentation to the Tribunal and service upon the Respondent of his tables of claims by way of further and better particulars (on 15 September 2023 and 5 October 2023 respectively); as the Claimant submits that those further and better particulars do not amount to amendments, this decision is precautionary, and does not preclude subsequent applications that may be made by the Claimant following today's decision, other than in respect of the sought after addition of a claim of Victimisation which has been positively refused; I cannot make an anticipatory decision to refuse an application to amend, but I wish to make it clear that the Claimant's claim remains those matters specifically alleged in the Rider attached to his ET1 claim form presented to the Tribunal on 19 August 2022.
3. Upon the Respondent's application, the Claimant is ORDERED to pay to the Respondent costs in the sum of £4,250 plus VAT, and Counsel's fees of

£1,750 plus VAT, in respect of costs and disbursements incurred in relation to the case management preliminary hearings held on 22nd November 2023 and today. The payment shall be made by 28th February 2024.

Employment Judge T.V. Ryan

Date: 31 January 2024

JUDGMENT SENT TO THE PARTIES ON 2 February 2024

FOR THE TRIBUNAL OFFICE Mr N Roche

Note

Reasons for the decision having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.