



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Booté

**Respondent:** Asda Stores Limited (1)  
Cooperative Group Limited (2)

**Heard at:** Bristol Employment Tribunal (by video hearing)  
**On:** 11 April 2025

**Before:** Employment Judge Youngs

## Representation

**Claimant:** In person  
**First Respondent:** Miss A Bibia, Litigation Manager  
**Second Respondent:** Mrs J Bevan, Solicitor

# JUDGMENT

1. The parties agree that the Claimant's employment transferred from the First Respondent to the Second Respondent pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006. Liability for matters that arose prior to the transfer transferred to the Second Respondent. The First Respondent is removed as a Respondent to these proceedings.
2. The Claimant's claim for constructive dismissal had not crystallised as at the date that proceedings were issued. Accordingly, the requirements of s.111 Employment Rights Act 1996 are not met and the Tribunal does not have jurisdiction to hear the Claim.
3. The Claimant indicated that he may wish to pursue claims in another forum.

**Approved by:**  
**Employment Judge Youngs**  
**18 April 2025**

Judgment sent to the parties on  
14 May 2025

Jade Lobb  
For the Tribunal

**Note**

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

Judgments (apart from judgments under rule 51) 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.

**Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>