



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8000917/2025

Held at Glasgow on 20 May 2025

Employment Judge M Kearns

B Wilson

Claimant

Gallaghers

Respondent

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Legal Officer (D. Doherty) dated 6 May 2025 in which he dismissed the claimant's claim, has been considered afresh by an Employment Judge under Regulation 10A(2) Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013. For the reasons given below, the Employment Judge has revoked the Judgment of the Legal Officer issued on 6 May 2025 and has not dismissed the case. The status of the case is that it is at an end under Rule 50, of The Employment Tribunal Procedure Rules 2024, having been withdrawn by the claimant. However, it is not dismissed, which means that the claimant may bring a fresh claim if he wishes.

REASONS

1. The claimant emailed the Employment Tribunal on 17 April 2025 stating that he wanted to: *"withdraw the tribunal request"* he had put in against the respondent. He stated that his reason was that he had been informed that the respondent *'wanted to sort it out through ACAS with a binding agreement'*. He
5 stated that: *"As such the tribunal is no longer needed.... please cancel it"*.
2. On 4 May 2025, the claimant sent a further e-mail to the Tribunal in the following terms: *"Hello, I previously indicated I would like to cancel my tribunal. Please disregard that..... My wage dispute is still ongoing and seemingly no
10 closer to being solved without a tribunal. As such I would like the tribunal to continue..... please do not cancel it."* This e-mail did not make it onto the Tribunal's file immediately. On 6 May 2025, the Legal Officer issued a Judgment dismissing the claim under Rule 51. Had the Legal Officer had sight of the claimant's e-mail from two days prior, it is unlikely that he would have
15 taken this decision. Because the decision has been taken by a legal officer, the claimant has the right to have it considered afresh by an Employment Judge.
3. Under Rule 50 the claimant's withdrawal email of 17 April 2025 brings claim 8000917/2025 to an end. However, I hereby revoke the legal officer's
20 judgment dismissing it on the ground that the claimant indicated before the dismissal judgment was made that circumstances had arisen such that he may require to make another claim. By copied letter dated 9 May 2025, the respondent was given an opportunity to make representations on the matter and has not chosen to do so. In these circumstances, the interests of justice
25 favour not dismissing the claimant's claim as provided for under Rule 51(b).

30

Date sent to parties**28 May 2025**
