



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms Sandra Martin

**Respondent:** Custom Pharmaceuticals Limited

## JUDGMENT

### Rule 38(1)(a) Employment Tribunal Rules of Procedure 2024

The application to strike out the claim on the basis that it has no reasonable prospects of success is refused.

## REASONS

1. This claim contains a single complaint of unfair dismissal. The basis of the claim is that Ms Martin submitted a resignation letter on 29 July 2025 and that two days later she emailed her manager and the HR Department to withdraw it. However, her employer did not allow her to withdraw it and so her employment came to an end. She says that the company acted unlawfully in refusing to accept her resignation and that it was made at a time while she was under significant emotional pressure and poor health.
2. The company dispute that they were obliged to accept her withdrawal and have applied to strike out the claim on the basis that it has no reasonable prospects of success.
3. As a single complaint of unfair dismissal this case was automatically listed for a two-day final hearing, to take place on 20 July 2026. Directions were given for the parties to exchange documents and witness statements well in advance of the hearing. The respondent has therefore attached a copy of Ms Martin's witness statement to the application, to confirm that she is basing her claim around the employer's refusal to allow her to withdraw her resignation. There is no suggestion of an alternative case that this was a constructive dismissal.

4. The orthodox and usual position is clear that unambiguous words of resignation will bring the contract to an end and there is generally no obligation on an employer to allow an employee to withdraw that resignation.
5. However, there are exceptions. The Court of Appeal in **Sovereign House Security Services Ltd v Savage** 1989 IRLR 115, CA, held that, while unambiguous words of resignation should normally be taken at their face value, in *special circumstances* the tribunal would be entitled to decide that there was no resignation, despite appearances to the contrary. In that case, unambiguous words of resignation spoken in the heat of the moment did not amount to a resignation. Further guidance was given by the Employment Appeal Tribunal in **Kwik-Fit (GB) Ltd v Lineham 1992 ICR 183, EAT.**
6. It is not clear whether there were any special circumstances in this case so as to justify a departure from the normal rule, but that will need to be explored at a hearing rather than being decided on the papers. Given the relatively high threshold for striking out a claim on the papers, and the desirability of a public hearing, the application is refused.

Employment Judge Fowell

Date 3 March 2026

JUDGMENT & REASONS SENT TO THE PARTIES ON

21 March 2026

For the Tribunal Office

P Wing