



EMPLOYMENT TRIBUNALS

Claimant: Mr M Truckel

Respondents: (1) Business Management Software Ltd

(2) Automatic Data Processing Ltd

Heard at: Cambridge

On: 6 January 2026.

Before: Employment Judge Tynan

Members: Mr S Holford and Ms W Smith

Appearances

For the Claimant: Did not attend, but made written representations

For the Respondents: Ms C Ashiru, Counsel

JUDGMENT

The claim is dismissed pursuant to rule 51 of The Employment Tribunal Procedure Rules 2024.

REASONS

1. At 10.17pm on 5 January 2026, a day which had been set aside for reading time for the Tribunal, the Claimant wrote to the Tribunal to inform it that he was withdrawing his claim. This followed correspondence which had been hand delivered to the Tribunal by the Claimant's wife earlier in the day, in which the Claimant had confirmed that he would not be attending the final hearing, but in which he had also stated that he was not willingly or explicitly withdrawing his claim. Given the uncertainty this created, the Administration wrote to the Claimant at our direction the same day, setting out our potential options for dealing with the case the following day when the hearing was due to commence. We encouraged him to attend the hearing, if only by CVP, so that we could explore this further with him. The Claimant was also informed that he could withdraw his claim if he wished, without any admission on his part that the claim or any part of it was not well founded. This was the course he elected. Particularly as the Claimant had been able to reflect on the matter for some hours,

we were satisfied that the Claimant's 10.17pm email was 'clear, unequivocal and unambiguous' (see *Segor v Goodrich Actuation Systems Ltd* UKEAT/0145/11 (10 February 2012, unreported), and that he was not acting impulsively or irrationally in the matter.

2. Although we made reference to Rule 51 when we informed the Claimant of his ability to withdraw his claim, we did not explicitly invite his comments as to whether the claim should be dismissed in the event he decided to withdraw. In the circumstances, we made an order for the Claimant to write to the Tribunal and the Respondent if he considered that a dismissal judgment would not be in the interests of justice.
3. The Claimant emailed the Tribunal on 14 March 2026, reiterating that the symptoms of his disability prevented his further participation in the process. He went on to assert that he had withdrawn because the tribunal would not afford him a fair process. His comments in that regard seem to be directed at the tribunal system in general, since neither Employment Judge Tynan nor the members had previously been involved in the case, so that there would have been no obvious reason for the Claimant to be under the impression that they might approach his claim with a closed mind or otherwise deny him a fair process. In withdrawing, the Claimant said that he was "trying to focus on my own survival". As regards the potential dismissal of his claim, he wrote:

"I reserve the right to bring further claims in the civil court or via any other means available when and if I am well enough to do so. I also reserve the right to act as a public whistle blower and publish via the media my personal story, witness statements and to place all of the evidence in the bundle and all correspondence into the public domain, in order to protect others from being subjected to this kind of discrimination and injustice."

4. The Claimant has not specifically said that he intends to bring a fresh claim in the tribunals, though any such further claim arising out of the same facts would now be significantly out of time. Instead, the Claimant seems to envisage further unspecified claims or other routes of redress in the civil court and/or elsewhere. The question is whether it would be an abuse of the process to allow that to occur.
5. The Employment Appeal Tribunal has recently reviewed the legal authorities in this area in *McCrory v Healthwatch Stockport Ltd*, [2026] EAT 3, in which it quoted at some length Simler J (P), as she then was, who explained the interplay of the provisions on withdrawal and dismissal and their history in *Ms L Campbell v OCS Group Limited and Mr J Moffat*, UKEAT/0188/16/DA. The purpose of dismissal was explained in *Verdin v Harrods Limited*, [2006] ICR 396 at paragraphs 35-40, cited in Campbell:

"40. I agree with a submission made by Mr Nicholls, that where one party withdraws the other party will generally be entitled to have the proceedings dismissed. This is because the party who withdraws will generally have no intention of resurrecting the claim again, or if he does will generally have no good reason for doing so. There is sometimes a temptation for a litigant, as the day of battle approaches, to withdraw a claim in the hope of being better prepared on another occasion. That will be unacceptable. Tribunals will no doubt be astute to prevent withdrawal being used as an impermissible substitute for an application for adjournment. Occasionally, however, there will be good reason for withdrawing and bringing a claim in a different way".

6. Save that the Claimant says he is minded to publicise his alleged treatment by the Respondent, he has given no further indication as to what other course of action he might have in mind, specifically whether he has in mind bringing his existing claim in a different way. In our judgement, it is incumbent upon him to explain what he potentially has in mind, otherwise it would seem to us to be an abuse of the process to allow him to withdraw this claim on the night before the final hearing was due to start, after more than three years of litigation, leaving the Respondent at risk of having to defend a similar further claim in the tribunals or elsewhere at some future unspecified date. In our judgement, the Claimant has disclosed no legitimate or weighty reason for him to reserve the right to bring a further claim against the Respondent which raises the same, or substantially the same, complaints as have been raised in these proceedings. We are satisfied that a dismissal judgment would be in the interests of justice.

Approved by:

Employment Judge Tynan

20 May 2026

JUDGMENT SENT TO THE PARTIES ON
29 May 2026

FOR THE TRIBUNAL OFFICE