



EMPLOYMENT TRIBUNALS

Claimant: Ms Shasta Bi

Respondent: Matrix Academy Trust

Heard at: Birmingham **On:** 18 March & 20 June 2026

Before: Employment Judge Flood (sitting alone)

Appearances: No attendance from any party. Decision made on the papers.

JUDGMENT ON PRELIMINARY HEARING

1. The claimant's application for a stay of the proceedings on the respondent's costs application is granted pending only a case management decision of Regional Employment Judge Jones on whether a judge should be appointed to deal with the application for reconsideration of the original strike out judgment of Judge Perry sent to the parties on 12 December 2025. Whether the stay should be continued or lifted will be considered at this time.
2. The claimant's e mail of 12 November 2025 was a clear, unequivocal and unambiguous withdrawal of claim number 1304180/2025 (originally allocated case number 6019144/2025).
3. Claim number 1304180/2025 (originally allocated case number 6019144/2025) is accordingly dismissed upon withdrawal.

REASONS

Background and relevant facts

1. There is a complex history to the claims listed above. There has been a large amount of correspondence generated which had made the task of understanding what has occurred with the proceedings very difficult.
2. Claim 1306130/2024 ('Claim 1') was presented to the Tribunal on 16 June 2024. A response was submitted by the respondent on 18 July 2024.
3. A preliminary hearing took place before Employment Judge Wright on 14 November 2024 which listed another preliminary hearing to consider the

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claimant's application to amend her claim. Following that hearing a judgment upon withdrawal was issued dismissing the complaints of disability discrimination.

4. There was a further preliminary hearing before Employment Judge Maxwell on 13 February 2025. The claim was listed for final hearing but further amendment applications were made by the claimant. Judge Maxwell issued a judgment dismissing the complaints of race discrimination upon withdrawal. The amendment applications were considered by the Judge and his decision with reasons was sent to the parties on 9 April 2025 together with a final list of issues in dispute between the parties after the amendment application had been decided.
5. On 22 July 2025, the respondent made an application to strike out the claim on the grounds that it was scandalous, or vexatious or has no reasonable prospect of success and that the manner in which proceedings had been conducted by the claimant had been scandalous, unreasonable or vexatious and that it was no longer possible to have a fair hearing in respect of the claim. The claimant objected to this application.
6. The claimant presented another claim form on 22 May 2025 which was originally allocated case number 6019144/2025 ('Claim 2'). This was a claim for victimisation. This was served on the respondent on 28 July 2025. The respondent defended Claim 2 and presented its response on 20 August 2025.
7. On 24 September 2025, Employment Judge Broughton ordered that Claim 1 and Claim 2 would be consolidated and that the DRA hearing already listed on Claim 1 would be converted to a private preliminary hearing for case management to make such directions and orders as necessary in respect of the listing of the respondent's application for strike out. Judge Broughton also made the following order:

"That the second claim be removed from the reform platform to enable it to be consolidated with the first claim. The second claim will accordingly now proceed under case number 1304180/2025 which must be used in all correspondence to the Tribunal going forward"

To add some context to this decision, at around this time the Tribunal administration was moving to a new case management system (commonly known as the reform platform). All claims that were instituted on the reform platform had a case number starting with '6'. Claim 2 was originally accepted and recorded on the reform platform and allocated case number 6019144/2025. However for the claims to be heard and case managed together (or 'consolidated') it was administratively necessary for them to be on the same case management system. The decision was taken to transfer Claim 2 to the Tribunal's legacy case management system (which was still in operation for claims ongoing at the time of crossover). This had no impact on the parties other than the change in case reference number for Claim 2.

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8. A private preliminary hearing took place before Employment Judge Swann on 26 September who listed a hearing for the strike out application to be heard.

The withdrawal e mail

9. An e mail was sent by the claimant on 12 November 2025, which contained the following text:

"I am the claimant in the above matter. The respondents representatives have been copied into this matter. I am writing to request the tribunal to make some corrections to their records and also writing to withdraw the second claim, reference number 6019144/2025. which was joined with my first claim. I am not withdrawing my first claim. I am withdrawing the second claim to fully focus on the first claim."

It went on to deal with an application to amend Claim 1 to apparently rely on further detriments. It later included the following comment about Claim 2:

"They had also mislead employers that there were outstanding safeguarding matters which led me to start the second claim (Claim reference number 6019144/2025). I would like to withdraw the second claim – claim number 6019144/2025 to avoid wasting tribunal time and focus on the original first claim (1306130/2024).

Please note the first claim is not being withdrawn. Apologies for any inconvenience caused with the second claim. It was absolutely relevant at the time in order to stop the respondents from continuing to victimising me even after terminating my employment."

10. This e mail of withdrawal was not actioned in any way by the Tribunal administration at the time and no dismissal upon withdrawal judgment was issued. I set out my speculative view that this may have been missed because of the huge amount of correspondence that was being received by the Tribunal in particular from the claimant around this period of time.
11. The claimant sent a further e mail on 14 November 2025 asking the Tribunal to accept her apologies as her daughter was unwell when she sent her 12 November e mail. She asked for the information included in the second e mail to be read together with her earlier e mail. This e mail addressed the amendment application the claimant was seeking on Claim 1 and did not say anything further about Claim 2. The respondent wrote on 14 November 2025 objecting to the amendment application. It did not mention Claim 2 or the withdrawal.
12. There was much correspondence in late November and early December including matters around disclosure applications and two applications from the claimant to postpone the forthcoming preliminary hearings, which were refused by decisions of Employment Judge Wedderspoon on 4 December 2025 and of Employment Judge Gidney on 5 December 2025. There was no mention of Claim 2 or the withdrawal e mail in any of this correspondence.

The strike out application hearing

13. The preliminary hearing to decide the strike out application took place on 12 December 2025 when Claim 1 was struck out by the judgment of Employment Judge Perry sent to the parties on 16 December 2025. This was on the basis that the manner in which the claimant has conducted these proceedings was scandalous, unreasonable or vexatious. The judgment sent to the parties referenced Claim 1 but did not include any reference to either of the case reference numbers used for Claim 2. At that hearing, the respondent made an application for costs and the Judge then listed that matter for a hearing on 13 February 2026 before himself if possible, but if not a designated costs judge. Case management orders were also made to prepare for that costs hearing. The respondent was ordered to produce by 6 January 2026, a fully particularised application for costs together with a schedule for costs and paginated bundle be sent to the claimant. The claimant was then ordered to provide her response to the costs application and additional documents to be added to that paginated bundle by 27 January 2026. The deadlines for compliance with such orders were subsequently extended. The respondent submitted its costs application and supporting documents on 21 January 2026. On 17 February 2026, the claimant applied for an extension of time (until Friday of that week – 20 February 2026) to submit her response to the statement of costs which was granted by a decision of Senior Legal Officer Metcalf on 23 February 2026. The claimant provided her response to the application for costs in 3 e mails and attached documents (41 exhibits) on 23 February 2026.
14. The claimant has made a number of applications in relation to the decisions of Judge Perry, including a request for written reasons (which were provided on 9 February 2026), an application for reconsideration and a recusal application (which was refused by a judgment sent to the parties on 5 March 2026, with a subsequent reconsideration application of that judgment being sent to the parties on 25 March 2026). Again a huge number of e mails were received in relation to these matters but I will say no more about those as they are largely not relevant to the issues I have to determine. The costs hearing was postponed and relisted for 2 March 2026.
15. On 9 January 2026 the claimant in a letter to the Tribunal stated her intention to appeal against Judge Perry's decision to strike out Claim 1. She also stated that should that appeal be accepted that the costs hearing would not be required and that her appeal should be considered before the costs hearing. She did appeal this decision and on 26 January 2026, the EAT notified her that her appeal would be stayed for 56 days pending the outcome of her application for reconsideration and written reasons of Judge Perry's decision.
16. The application for reconsideration of Judge Perry's original decision to strike out Claim 1 has not yet been considered. In his judgment and reasons on the recusal application sent to the parties on 5 March 2026, he indicated that this could not be addressed until after the recusal decision had been made. He also indicated that it would not be him who would determine any such application, or the application for costs (given that he

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would no longer be sitting as a Judge in the Employment Tribunal). He also included the following statement,

“47. That aside both parties agreed that the reconsideration application could not be dealt with unless and until the recusal application had been addressed by me and any costs application would necessarily have to await the decision on the reconsideration application.

48. It was also common ground that the issues in the reconsideration were not matters that could be addressed directly within the appeal thus superseding the need for the reconsideration and nor was it desirable to do so.”

17. In his judgment on reconsideration of the recusal judgment sent to the parties on 16 March 2026, Judge Perry made a direction that the file would be passed to the Regional Employment Judge to consider if a judge should be appointed to deal with the remaining applications (being the application for reconsideration of the original strike out judgment and the costs application).

E mails re 29 January hearing and attempts to revoke withdrawal of Claim 2

18. On 20 January 2026, the Tribunal administration sent out its standard reminder that there was a hearing listed for Claim 2 on 29 January 2026. This illustrates that at this time no action at all had been taken in respect of the withdrawal e mail of Claim 2. In response the respondent wrote the same day stating that the claim was struck out and asked for confirmation that the hearing would not be proceeding. The claimant then wrote clarifying that Claim 2 had not been struck out, but only Claim 1. She stated that Claim 2 was a *“live case and not closed”* and asked for the hearing to go ahead.
19. She sent a further e mail later on 20 January 2026 stating that she believed she had sent an e mail of withdrawal of Claim 2 in 2025 in error, and that she was under stress and pressure due to ongoing issues with the respondents and that she did not want to withdraw it and would attend the preliminary hearing as scheduled. On 28 January 2026, the respondent wrote to the Tribunal to inform them that Claim 2 had been withdrawn by an e mail dated 12 November 2025 and referred the Tribunal to rule 50 of the Employment Tribunal Procedure Rules 2024 ('ET Rules') that if a party informs the Tribunal of a withdrawal, that claim comes to an end. The claimant again wrote on 28 January 2026 stated that she was *“placed under huge pressure and was under stress”* to withdraw her claim and she had never received confirmation that it had been closed. She also contended that she had written to the Tribunal to confirm she wished to keep it open. She again referred to *“ongoing intimidating behaviour”* of the respondent's representative that had led her to write her withdrawal e mail. She wrote a further e mail the same date stating she had been under huge emotional stress and was a litigant in person and had sent the e mail withdrawing her claim. She stated that she was scared of seeking support for her mental wellbeing which she did in December 2025. She further added,

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“At the time of withdrawal, respondents representative was putting excessive pressure on me and there was no support from tribunal either with respect to disclosure or evidence relating to false allegations the respondents were making.”

20. Judge Perry wrote to the parties on the same date stating that the hearing listed for 29 January 2026 would go ahead and was required to decide on the status of Claim 1.
21. The claimant wrote again on 29 January 2026 about the hearing and this included the following paragraph:

“In terms of status of the claim. I sent withdrawal email in pressure in November 2025. I subsequently posted handwritten letter to tribunal in November 2025 soon after withdrawal email prior to the hearing of 11 December 2025 and also sent another after the hearing of 11 December 2025. Some emails were sent in January 2026 too. As such no judgement had been issued in respect of that. Its still an live case and I can provide medical evidence of the emotional distress and issues relating to my health caused by the respondents and their representative since 2024 which led me to write that email of withdrawal. My letters to keep claim open were sent by post because i have not been receiving any response from the tribunal at all regarding may matters since April 2025 sent through email. I also emailed in January 2026 to that effect.”

Hearing before Employment Judge Smart

22. On 29 January 2026 the parties came before Judge Smart in a hearing which had been listed on Claim 2. He discussed a number of matters with the claimant and listed a hearing on 18 March 2026 the purpose of which was to decide the claimant's application for a stay of the proceedings on the respondent's costs application on Claim 2 (pending the outcome of her appeal) and to decide whether the claimant's e mail of withdrawal of Claim 2 was an effective withdrawal. The Judge decided that this hearing would take place on the papers and without the parties. He made orders to prepare for that hearing as follows:
 - 22.1 By 6 February 2026, the Claimant had to write setting out the grounds for the application to stay the costs application and attach documents and evidence;
 - 22.2 By 13 February 2026, the respondent had to write setting out its objection to the application attaching documents or other evidence it wishes to submit in support.
 - 22.3 By 20 February 2026, had to write setting out all the grounds why her withdrawal of 12 November 2025 of Claim 1 should not be considered an effective withdrawal of that claim attaching all supporting documents or other evidence in support of her application.
 - 22.4 By 27 February 2026, the respondent had to write with its objections attaching all documents or other evidence in support.

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23. On 6 February 2026, the claimant sent two e mails with attachments in response to the order at paragraph 13.1. On 10 February 2026 the respondent sent an e mail attaching its reply to the application (which was combined with a reply to the applications for recusal and reconsideration which were to be determined by Judge Perry) in response to the order at paragraph 13.2. On 23 February 2026 the claimant sent an e mail with attachments in response to the order at paragraph 13.3. On 26 February 2026, the respondent submitted its response to the order at paragraph 13.4.
24. On 21 April 2026, the respondent wrote to the Tribunal enquiring when the hearing to determine its costs application would be heard

Hearing on 18 March 2026

25. The hearing listed by Judge Smart came before me on 18 March 2026 to make a decision on the papers with a time estimate of 3 hours. The entirety of that time period (and preparation time in advance) was spent reading the very extensive case file and ascertaining which were the relevant documents to the matters before me. There are, as referred to above, several different applications that have been ongoing and each of these has generated very many e mails with lengthy attachments from the claimant. At the conclusion of the listed hearing, I had just about ascertained the relevant documents I needed to consider and only had the chance to start making the decision. Unfortunately due to an unusually heavy caseload at the present time (and pre arranged periods of leave) it has only been possible for me to restart my deliberations on this matter now, in June 2026. I send my profuse apologies to the parties for the long delay in addressing these matters.

The Issues

26. The issues I had to determine were as follows:
- 26.1 Should the Tribunal exercise its discretion to stay proceedings on the respondent's applications for costs?
 - 26.2 Was the claimant's e mail of withdrawal of Claim 2 an effective withdrawal?
 - 26.3 If so, should Claim 2 be dismissed?
 - 26.4 If not, what should now take place in relation to Claim 2.

Relevant Law

27. The Employment Tribunal Procedure Rules 2024 provides as follows:
- "30. (1) Subject to rule 32(2) and (3) (postponements), the Tribunal may, on its own initiative or on the application of a party, make a case management order.*

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- (2) *The particular powers identified in these Rules do not restrict that general power.*
- (3) *A case management order may vary, suspend or set aside an earlier case management order where that is necessary in the interests of justice, and in particular where a party affected by the earlier order did not have a reasonable opportunity to make representations before it was made.*

.....

50. *Where a party advancing a claim informs the Tribunal, either in writing or in the course of a hearing, that their claim, or part of it, is withdrawn, the claim, or part, comes to an end, subject to any application that the party responding or replying to the claim may make for a costs order, preparation time order or wasted costs order.*
51. *Where a claim, or part of it, has been withdrawn under Rule 50 (end of claim), the Tribunal must issue a judgment dismissing it (which means that the party advancing it may not commence a further claim against the party responding or replying to it raising the same, or substantially the same, complaint) unless –*
- (a) the party advancing the claim has expressed at the time of withdrawal a wish to reserve the right to bring such a further claim and the Tribunal is satisfied that there would be legitimate reason for doing so, or*
 - (b) the Tribunal believes that to issue such a judgment would not be in the interests of justice.”*
28. There is no right to a stay because issues in tribunal proceedings have been appealed to the EAT. This is a matter of the Tribunal’s discretion and the Tribunal will have to consider the competing factors at play – see Towry Law v Crossfield UKEAT/833/93. In this case the balance tipped in favour of proceeding with a remedy hearing despite the fact that a liability hearing had been appealed. It noted the general proposition that a remedy hearing should follow reasonably quickly after a liability hearing because the Tribunal needed to be able to recollect evidence of what had happened at the liability hearing and this outweighed the risk that costs would have been incurred and wasted at a remedy hearing if a substantive appeal on liability had succeeded.
29. The leading authority which established that the issue of whether to grant a stay or not is a matter for discretion is Bastick v James Lane (Turf Accountants) Ltd [1979] ICR 778. The key question is whether the refusal had been wrong in law or perverse and that the decision did not ignore any relevant matters or taken irrelevant factors into account or otherwise be a decision that no reasonable employment judge could take.
30. Withdrawal is an act of the claimant which brings the claim in the Employment Tribunal to an end. It cannot be revoked or overturned on

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appeal as it is not a judicial decision: Khan v Heywood and Middleton Primary Care Trust [2006] EWCA Civ 1087.

31. A withdrawal must be “clear, unequivocal and unambiguous” - Segor v Goodrich Actuation Systems Ltd UKEAT/0145/11, where it was emphasised that a tribunal will always want to take care where a litigant, particularly if not professionally represented, seeks to withdraw a claim during a hearing. The Tribunal must ensure that withdrawal is what the individual wishes to do, and that they understand the significance of what is being said and the consequences that may flow.
32. In Drysdale v Department of Transport (Maritime and Coastguard Agency) [2015] ICR D2, the Court of Appeal said that there is no obligation to enquire into the reasons for a decision to withdraw a claim other than in exceptional cases.
33. Kaur v Birmingham City Council [2025] EAT 190 - it is open to a claimant who has withdrawn a claim to make representations at any time prior to the dismissal judgment as to why the claim should not be dismissed. Such representations should be taken into account in deciding whether issuing such a judgment would not be in the interests of justice.
34. McCrory v Healthwatch Stockport Ltd [2026] EAT 3 - the EAT concluded that a decision on whether an e-mail amounts to an unambiguous withdrawal is a judicial decision which should result in a judgment. That might be a separate judgment prior to any subsequent dismissal judgment, or it might form a separate paragraph in a dismissal judgment.

Conclusions

Should the Tribunal exercise its discretion to stay proceedings on the respondent's applications for costs?

35. I have firstly considered the issue of whether the respondent's application for costs should be stayed pending the outcome of the claimant's appeal. The claimant submits that if she is successful in the appeal the harm done by any costs order and unnecessary costs proceedings will be 'unmeasurable'. She points to difficulties involved in enforcement proceedings involving her property. She contends that she is the mother of two young children one of whom is disabled and she is of limited financial means as she cannot work. She refers to the impact on her mental health and refers the Tribunal to medical evidence in this regard. She also points to difficulties she is having in relation to neighbours at her property and alleged harassment.
36. She further contends that the arguments in the costs proceedings are the same ones to be considered in the recusal and reconsideration applications, pointing out that it will be a waste of Tribunal time for separate hearings to be held.
37. The respondent points out that submissions made by the claimant focus on the unfairness and impact on her and her family as a result of any costs order that is made. It suggests there is no validity in this argument, given

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that the respondent already has costs orders against the claimant in relation to her civil proceedings and an additional costs order if made, will not alter the position in relation to a possible charging order on her property. It further points out that ability to pay a costs order is something a Tribunal may consider when deciding whether to exercise its discretion to award costs. It further notes that even if the claimant's appeal on the strike out were to succeed, this would not preclude a successful application for costs in any event. It points out that it has incurred significant costs and it would not be in the interests of justice for this to be delayed for what might be a considerable time while the matter proceeds to the EAT.

38. I have considered these submissions carefully in light of the guidance from the authorities above. There is no right to a stay because issues in tribunal proceedings have been appealed to the EAT and I must exercise my discretion considering the competing factors at play. I can see no persuasive argument to delay the respondent's costs application whilst her appeal is pursued in the EAT. The points she makes about hardship and the impact of a costs order on her can be considered as part of the decision on that application. The EAT is a separate judicial body and considers issues relating to whether there has been an error of law in the original decision to strike out. That is a different matter to the factors a Tribunal will have to decide in considering whether to make a costs order under the Employment Tribunal rules. It is in the interests of justice for this application to be addressed in a timely manner by the Employment Tribunal irrespective of what the outcome of any appeal is.
39. The one point that I consider must be decided upon first though is what is to occur in relation to the outstanding application of the claimant for reconsideration of the decision of Judge Perry to strike out Claim 1. On that point alone, I do see some merit in the claimant's argument that this should be decided upon before the costs application is heard. The parties both accorded with this view themselves as recorded in the order of Judge Perry at paragraph 16 above. Indeed Judge Perry made a case management order in his judgment on reconsideration of the recusal judgment that the Regional Employment Judge should consider whether a judge should be appointed to hear the remaining applications and if so whom and what directions were required (see paragraph 17 above). There does not appear to have been any material change in circumstances such that it would be in the interest of justice for me to vary that case management order.
40. Therefore my decision is that the costs application should be stayed pending the decision of Regional Employment Judge Jones about the appointment of a judge to hear the reconsideration application against the judgment of Judge Perry striking out Claim 1 sent to the parties on 12 December 2025. As the parties are aware, Judge Perry is no longer sitting as a judge in the Employment Tribunal. It is a matter entirely for Judge Jones, but it may be that the same judge can be appointed to go on to deal with the costs application itself. It is in the interests of justice, proportionate and in furtherance of the overruling objective for the issue of the reconsideration application to be addressed first and then that the costs application go on to be considered (once the stay is lifted).

Was the claimant's e mail of withdrawal of Claim 2 an effective withdrawal?

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41. In relation to this issue, the claimant submits that at the time she submitted her e mail on 12 November 2025, she was under “*immense pressure from the respondent’s representative who had been threatening to enforce the civil injunction (not to make withdrawals) if I don’t withdraw ET claim*”. She stated that there was no genuine intention to withdraw the claim, and she felt that the respondent might withdraw its strike out application on Claim 1 if she withdrew Claim 2. She pointed out that she was dealing with a number of issues impacting her mental health at the time mentioning that a damaging reference had been sent by the respondent preventing further employment (attaching correspondence around this). She pointed out that she has been on medication since December 2025 and was experiencing issues with enforcement of the injunction and losing her home, together with issues with her neighbours and her daughter’s school. She contended that the e mail would not have been sent if these issues had not been present. She referred the Tribunal to a witness statement from her brother which gave a description of his observations of the claimant’s mental health issues since February 2024. She also referred the Tribunal to a letter from her GP dated 21 May 2024. She asks the Tribunal to ignore the e mails of withdrawal she sent and reinstate Claim 2.
42. The respondent refers to rule 50 of the ET Rules and states that these rules make no provision for a claim once withdrawn to be reinstated. It submits that the claimant is clearly referring to Claim 2 when she sent her e mail withdrawing her claim and she is also clear that she is doing this to avoid wasting Tribunal time and to focus on her original claim, making no mention whatsoever of the matters now relied upon. The respondent points out that no evidence at all has been provided to support what it describes as “offensive and untrue” allegations of harassment and intimidation by its representative. Such behaviour is denied and again it points out the withdrawal e mail makes no mention of any such behaviour. The respondent also suggests that the strike out judgment of Judge Perry should in fact include Claim 2, given that this had been joined to Claim 1 by the time the application to strike out was determined, and it would have been struck out had the claimant not withdrawn Claim 2 by the time of the strike out hearing.
43. The Tribunal has carefully considered all the submissions made and refers to paragraphs 912 above. I am entirely satisfied and my judgment is that that the e mail sent by the claimant on 12 November 2025 is a clear, unequivocal and unambiguous withdrawal of Claim 2. The claimant sets out her reasons why she is withdrawing Claim 2 (that she wanted to fully focus on Claim 1 and to avoid wasting Tribunal time). She further explained why Claim 2 had been presented stating that it was “*absolutely relevant at the time*” but then goes on to clarify that she now wished to withdraw it. Moreover she then sent a further e mail two days later 14 November 2025 in relation to her amendment application, asking to correct the points made on that on the 12 November email. No mention whatsoever was made of the withdrawal, now was there any suggestion that the withdrawal was being revoked or limited in any way. I am entirely satisfied that the claimant understood the significance of what she was doing and the consequences that may flow from that. This is evident by her assertion and clarification that Claim 1 was not withdrawn. At that time the strike out application had been made in relation to Claim 1 and listed for hearing, so the claimant was

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aware of what would be occurring with that claim. I am satisfied that she intended to and did withdraw Claim 2 at the time the e mail was sent to focus on Claim 1.

44. I have considered one matter raised by the claimant at paragraph 21 above that she had sent a handwritten letter to the Tribunal in November 2025 soon after withdrawal email and another after the hearing of 11 December 2025. There is no record of such letters being received on the Tribunal's file and in deciding upon this matter, I caused a further search to be made by Tribunal administrative staff of the paper correspondence received at the time which did not find any such letters. The claimant has provided no copies of such letters. The claimant alleges she sent materials by hand as she was not receiving response to her e mails. I can find no evidence to substantiate this matter and given extensive almost daily e mails being sent by the Tribunal at the time, I do not accept that any handwritten letter was sent by her at all.

If so, should Claim 2 be dismissed?

45. Considering the guidance given by the EAT in Kaur v Birmingham City Council, as Claim 2 has not been dismissed, it is open to the claimant to make representations at any time prior to the dismissal judgment as to why the claim should not be dismissed. The Tribunal must take such representations into account in deciding whether issuing such a judgment would not be in the interests of justice. I have gone on to consider that point. The claimant's representations on are largely founded on the fact that she alleges she was under pressure from the respondent's representatives to withdraw Claim 2 and that she was suffering from poor mental health at the time which impacted her decision making.
46. In relation to the allegations of pressure from the respondent's representatives amounting to harassment and intimidation, the claimant has produced no evidence to support these assertions, and these are strenuously denied by the respondent. There was a significant amount of litigation going on at the relevant time, which no doubt did generate correspondence, much of which came from the claimant. However in the absence of any evidence at all of such pressure, I conclude that there was no such pressure impacting on the claimant's decision to withdraw her claim.
47. Secondly, it is clear that the claimant has had mental health issues throughout this period, and I take full note of the medical evidence and the evidence of her brother. However there is nothing that particularly suggests that her judgment was impaired at the time she sent the withdrawal e mail on 12 November 2025. I have around found it was clear, unambiguous and unequivocal. There is also a valid reason given for the withdrawal of Claim 2, in that the claimant wanted to focus on Claim 1.
48. It is significant that what appears to have triggered the claimant's attempts to revoke her withdrawal of Claim 2 was the fact that Claim 1 was struck out. It is only really when Claim 1 was no longer progressing and the Tribunal sent its standard time generated e mail reminding that a hearing had been listed on Claim 2 (not dismissed at this time) that the claimant

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started to make attempts to change her mind and revoke her withdrawal (see paragraphs 18 to 21). Having had Claim 1 struck out, the claimant decided to try and go back and restart Claim 2 despite her earlier withdrawal.

49. I have taken the submissions made by the claimant into account but have concluded that it is no basis upon which I can conclude that it is not in the interests of justice to issue a judgment upon withdrawal in accordance with Rule 50 of the ET Rules as above.
50. Claim 2 is accordingly dismissed upon the withdrawal of that claim by the e mail sent to the Tribunal on 12 November 2025. I do not need to go on to consider that claim any further.
51. The file will now be passed back to Regional Employment Judge Jones to make a determination as to whether a judge should be appointed to decide the claimant's application for reconsideration of the judgment of Judge Perry striking out Claim 1 sent to the parties on 12 December 2025 and to consequently lift the stay of proceedings on the cost application and list that matter for a hearing.

Employment Judge Flood

Approved 25 June 2026