EMPLOYMENT TRIBUNALS (SCOTLAND)

-	Case No: S	5/4100246/17
5	Held in Glasgow on 13 April 2017 (Conducted by telephone conference call)	
10	Employment Judge: Ian McPherson	
15	Mr Keith Richardson	Claimant <u>In Person</u>
20	Healthcare Environmental Group	Respondents <u>Represented by:</u> Mr Asim Khan - Solicitor

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The claimant's complaint alleging unlawful age discrimination by the respondents having been withdrawn by the claimant at this Preliminary Hearing that part of his claim against the respondents is dismissed by the Tribunal, under <u>Rule 52</u> of the Rules contained in <u>Schedule 1 of the Employment Tribunals (Constitution and</u>

30 **Rules of Procedure) Regulations 2013**, but the remaining part of the claim alleging unfair dismissal by the respondents remains standing, and it will proceed to the Final Hearing listed for 7, 8 and 9 June 2017.

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REASONS

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- 1. In the course of the Case Management Preliminary Hearing held before me, on the afternoon of Thursday, 13 April 2017, the claimant advised me that, as per his recent e-mail and letter to the Glasgow Tribunal office dated 21 and 22 March 2017, he accepted that he had ticked the box, at Section 8.1 of the ET1 claim form in error, and that he had not intended and he did not intend to bring a complaint of unlawful age discrimination against the respondents, arising from his dismissal on 21 October 2016, and that accordingly he is no longer pursuing that head of complaint, but he is still pursuing his claim against the respondents for unfair dismissal, as included in the ET1 claim form.
- Following discussion, and clarification of the claimant's position, the claimant confirmed that he was withdrawing that part of the claim against the respondents, and I treated his oral statement to that effect as confirmation of his previous written withdrawal of that part of the claim under <u>Rule 51</u> of the Rules contained in <u>Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, thus bringing that part of the claim before the Tribunal to an end.
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- 3. In these circumstances, having heard further from Mr Khan, the respondents' representative, and the claimant not objecting, I further decided it was appropriate to issue a <u>Rule 52</u> Judgment, dismissing that part of the claim against the respondents, following upon its withdrawal by the claimant, which means that the claimant may not commence a further complaint against the respondents raising the same, or substantially the same, complaint of unlawful age discrimination by the respondents, arising from the termination of his employment by the respondents, effective on 21 October 2016.
- 30 4. For the avoidance of any doubt, the remaining part of the claim brought by the claimant against the respondents, alleging unfair dismissal by the respondents, arising from the termination of his employment by the respondents effective on 21 October 2016, remains standing, and it will

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proceed to the 3 day Final Hearing before an Employment Judge sitting alone, to be heard at the Glasgow Employment Tribunal, on 7, 8 and 9 June 2017, as ordered at this Preliminary Hearing.

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Employment Judge: Ian McPherson Date of Judgment: 19 April 2017 Entered in register: 20 April 2017 and copied to parties

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