



EMPLOYMENT TRIBUNALS

Claimant: Mr N Morrissey

Respondent: Lifeways Community Care Ltd

JUDGMENT

1. The complaint of unfair dismissal is dismissed on withdrawal by the claimant.
2. The claimant's claim will proceed as a claim for breach of contract, in the form of a claim for notice pay, the claimant claiming that he was constructively, and wrongfully, dismissed.

REASONS

1. The claimant had presented a claim form in which he ticked the box for unfair dismissal. He lacks qualifying service to present such a claim, however, and hence was given an opportunity to make representations or to request a hearing, as to why the complaint of unfair dismissal should not be struck out.
2. He has replied by e-mail of 28 January 2018, clarifying that he did not wish to claim unfair dismissal, only constructive dismissal, in the form of a breach of contract claim, for his notice pay. He agreed to his unfair dismissal claim being struck out, which the Tribunal takes as a withdrawal, and accordingly dismisses that claim upon withdrawal.

3. Whilst the claimant did not tick the box for a breach of contract claim, the Tribunal accepts his e-mail as an amendment of his claim to so do, this being no more than a re-labelling of facts already pleaded by the claimant. The respondent can now respond to it the claim.

Employment Judge Holmes

Dated: 30 January 2018

JUDGMENT SENT TO THE PARTIES ON

1 February 2018

FOR THE TRIBUNAL OFFICE