



EMPLOYMENT TRIBUNALS

Claimant: Mr F. Hodiport

Respondent: Anytime Express Transport

Following a Preliminary Hearing by telephone (Watford) 26 March 2020

Claimant: In person

For the Respondent: Mr P Hurwood, director

JUDGMENT BY CONSENT

1. The proceedings are dismissed following a withdrawal of the claim by the claimant.
2. The respondent must pay the claimant the sum of £1200 on or before 30 June 2020.

REASONS

1. In the course of the telephone preliminary hearing I asked the claimant, if he were to succeed in showing that he was an employee - and not self-employed (as alleged by the respondent), on what basis he could claim unfair dismissal, given that he had been employed for a few weeks only and not two years.
2. The claimant explained that the only reason he had claimed unfair dismissal was that the "system forced him" to do this, when he was filling in his ET1 form. There was no other available option.
3. His real concern was that he had not been paid for the services he provided to the respondent between 1 March 2019 and 16 March 2019.
4. He could offer no proper justification for his claim of unfair dismissal.
5. The respondent was prepared to accept that the claimant had worked 117 1/4 hours (as he had alleged) between 1.3.19 and 16.3.19. The only issue between the parties was whether the rate per hour was £12 pounds or £9. The amount in issue was therefore less than £400.

6. Mindful in particular of recent current President Guidance regarding conduct of proceedings during the current pandemic, I encouraged the parties in their own interests to consider settling this claim.
7. While I was off the phone, the parties agreed to settle the claim at the sum of £1200 to be paid by 30 June 2020.
8. I explained to the parties that the form of order which I envisaged (which I read over the phone to them) would mean that if, for some reason, the respondent did not comply with the order, the claimant would no longer have a Tribunal claim but a claim for £1200 which he could seek to enforce in the County Court. He declared that he was satisfied with that.

Recoupment

On enquiry, the claimant's said that he had received universal credit. I could not determine whether that related to the period in question but, on the face of it, the sum of £1200 is potentially subject to recoupment

Employment Judge Bloch QC

Date: 26 March 2020

Judgment sent to the parties on

Date: 30/7/20

For the Tribunal office