



EMPLOYMENT TRIBUNALS

Claimant: Mr J Bloom

Respondent: Staffline Recruitment Limited

HELD BY: CVP

ON: 11 May 2021

BEFORE: Employment Judge Shulman

REPRESENTATION:

Claimant: In person

Respondent: Mr J Green, Counsel

JUDGMENT

The claim for a redundancy payment is hereby dismissed on withdrawal by the claimant.

REASONS

1. The claimant's evidence lasted substantially the whole morning of the case. The claimant maintained, in support of his claim for a redundancy payment, that he was an employee of the respondent, rather than a worker or independent contractor. The respondent defended the claim.
2. When the claimant gave his evidence in substantial answers to counsel for the respondent and in answers to the Tribunal it became clear that the wealth of the evidence demonstrated that it was highly unlikely that the claimant was an employee of the respondent.
3. In the circumstances just before the lunch break the Tribunal invited the claimant to consider over the lunch adjournment whether or not it would be appropriate for him to pursue his case. The claimant told the Tribunal that he had someone with whom he could discuss the matter.

4. The Tribunal asked the claimant to inform the Tribunal after lunch whether or not he wished to pursue the case.
5. Whilst the claimant was reluctant to withdraw his claim he acceded, the fact that the evidence he could still call, having already given evidence, would make little difference to whether or not he was an employee. It should also be said that the respondent had not at that stage called its evidence.
6. Taking all circumstances into account the claimant decided that he would withdraw his claim and his claim was dismissed. The Tribunal was satisfied that for the claimant to continue would have been of little or no benefit to him.

Employment Judge Shulman

Date: 20 May 2021

Date: 2nd June 2021