



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Brannan

**Respondent:** McColl's Retail Group Ltd

**Heard at:** Manchester

**On:** 13 – 15 November 2018

**Before:** Employment Judge Tom Ryan

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Mr N Singer, Counsel

# JUDGMENT ON PRELIMINARY HEARING

## The judgment of the Tribunal is that:

1. The respondent's application to strike out the claim pursuant to rule 37(1)(b) of the Employment Tribunals Rules of Procedure 2013 is refused.
2. The complaint of detriment by reason of having made a protected disclosure, which the claimant presented by way of an amendment to the claim granted by EJ Slater on 17 October 2018, is dismissed on the ground that the tribunal does not have jurisdiction to determine it as being presented out of time.
3. The claimant's application to amend the claim to present a further complaint of detriment by reason of having made a protected disclosure is refused.
4. The final hearing of the claimant's complaint of unfair dismissal is postponed to be heard, as to liability only, before a Judge sitting alone, on 7 and 10 May 2019 at Manchester Employment Tribunal, Alexandra House, 14-22 The Parsonage, Manchester, M3 2JA to start at 10am or so soon thereafter as possible.

5. Unless, by 31 January 2019, the signed witness statement of any further witness either party wishes to call has been provided to the other party, then that witness may not give evidence without leave of the judge hearing the case.

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Employment Judge Tom Ryan

Date 16 November 2018

JUDGMENT SENT TO THE PARTIES ON

19 November 2018

FOR THE TRIBUNAL OFFICE

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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