



EMPLOYMENT TRIBUNALS

Claimant

Mrs D Gillaussey

v

Respondent

(1) Kier Limited;
(2) Spie Facilities Limited; and
(3) MS Maintenance Solutions
Limited

Heard at: Cambridge

On: 9 December 2021

Before: Employment Judge Bloom

Appearances

For the Claimant: In Person
For the First Respondent: Ms L Kaye, Counsel
For the Second Respondent: Mr J Cook, Counsel
For the Third Respondent: Mr R Vincent, Director

JUDGMENT

The Claimant's claims against the three Respondents are withdrawn. The claims are not dismissed pursuant to the provisions of Paragraph 52(b) Schedule 1 Employment Tribunals (Constitution and Rules of Procedure Regulations 2013).

REASONS

1. The Claimant brings claims against the First, Second and Third Respondents. The proceedings arise following the Claimant's husband's death on 21 April 2020. At that time it appears the Claimant's husband was employed by the Third Respondent, MS Maintenance Solutions Limited. His employment appears to have been transferred to that company from the Second Respondent and prior to that was transferred to the Second Respondent from the First Respondent. The claim is one whereby the Claimant seeks to bring a Breach of Contract claim arising from, she states, non-payment of a life assurance policy which would benefit the estate by a sum of approximately £57,000.00. The claims are denied by all three Respondents.

2. Regardless of which Respondent may be responsible to answer the claim, I explained to the Claimant that the Employment Tribunal had a limited jurisdiction in respect of breach of contract claims which meant that if her claim was successful against one or more of the Respondents, the maximum sum she would recover was capped at £25,000.00. This sum represented less than half the sum she was seeking to claim. I explained to the Claimant that she could bring these proceedings in the Civil Courts which did not have that limitation. The Claimant understood the point.
3. As a consequence the Claimant confirmed that she wished to bring these proceedings before the Civil Courts and consequently wished to withdraw the Employment Tribunal claim. It is important that the claim was not dismissed to enable those civil proceedings to proceed. Consequently, pursuant to Rule 52(b) of the 2013 Regulations I determine that it would not be in the interests of justice for the Claimant's claim to be dismissed.

22 December 2021

Employment Judge M Bloom

Sent to the parties on: 14/1/2022

N Gotecha

For the Tribunal Office