



EMPLOYMENT TRIBUNALS

Claimant: Mr K Wolstenholme

Respondent: Diamond Bus (North West) Limited

HELD AT: Manchester (by CVP)

ON: 13 March 2023

BEFORE: Employment Judge Johnson

REPRESENTATION:

Claimant: unrepresented

Respondent: Mr J Lomax (solicitor)

JUDGMENT

In this public preliminary hearing (previously listed by Employment Judge Leach at the preliminary hearing case management on 21 October 2022), the judgment of the Tribunal is that:

The claimant's complaints

- (1) The claimant's complaint of unfair (constructive) dismissal has no reasonable prospects of success and should be struck out in accordance with Rule 37(1)(a) of the Employment Tribunals Rules of Procedure 2013.
- (2) The claimant's complaint of constructive dismissal has no reasonable prospects of success and should be struck out in accordance with Rule 37(1)(a) of the Employment Tribunals Rules of Procedure 2013.
- (3) The claimant's complaint under the Equality Act 2010 has no reasonable prospect of success and should be struck out in accordance with Rule 37(1)(a) of the Employment Tribunals Rules of Procedure 2013.
- (4) As the Tribunal has determined that the claimant's complaints should be struck out, it is unnecessary to consider making a deposit order in accordance with Rule 39 of the Employment Tribunals Rules of Procedure 2013.

The respondent's application for a costs order

- (5) The respondent's application dated 3 February 2023 asking the Tribunal to make a costs order against the claimant by reason of Rule 76(1)(a) and (b) of the Employment Tribunal's Rules of Procedure 2013 is allowed. In accordance with Rule 78(1)(a), it is deemed just and equitable to make a costs order that the claimant pay the respondent the sum of **£200 (Two Hundred Pounds)**, reflecting an appropriate proportion of the costs incurred by respondent while legally represented.

The final hearing

- (6) Accordingly, as all of the complaints brought by the claimant in these proceedings have been struck out, the final hearing listed to take place on 21, 22 and 23 September 2023 is cancelled and will not take place.

Employment Judge Johnson

Date 13 March 2023

JUDGMENT SENT TO THE PARTIES ON
16 March 2023

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.