

IT/NP2021-124

**INDUSTRIAL TRIBUNAL**

**COURT #1 SAFFREY SQUARE, EAST & BAY STREET, NEW PROVIDENCE,  
COMMONWEALTH OF THE BAHAMAS**

**Before**

**MRS. INGRID COOPER-BROOKS (VICE PRESIDENT)**

**(SITTING ALONE)**

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**JAMAL BAIN**

**APPLICANT**

**VS.**

**EXECUTIVE SECURITY**

**RESPONDENT**

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**ORDER**

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**APPEARANCES**

For The Applicant

Pro Se

For the Respondent

Mr. Donovan Gibson

**WHEREAS:**

- (1) By Certificate of Referral dated 20<sup>th</sup> April, 2021 the Minister referred the subject dispute to the Industrial Tribunal; and
- (2) In accordance with Rule 3 (1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for an Originating Application ( Form A) was sent on 27<sup>th</sup> January 2021 by the Secretary to the Tribunal, to the Applicant; and
- (3) Upon receipt by the Applicant of the Notice for an Originating Application the Applicant filed an Originating Application in the Tribunal on the 10<sup>th</sup> May, 2021; and
- (4) A Notice of Application to the Respondent (Form C) and a Notice of Appearance (Form D) were sent to the Respondent on the 11<sup>th</sup> May, 2021; and
- (5) A Notice of Appearance (Form C) was filed in the Tribunal by the Respondent on the 21<sup>st</sup> May, 2021; and
- (6) A Defense was filed in the Industrial Tribunal on 2<sup>nd</sup> June, 2021, exhibiting thereto a Deed of Release, duly executed by the Applicant, thereby agreeing inter alia, to accept the sum of Two Thousand, Seven Hundred Thirty Dollars (\$2,730) for overtime pay, to be paid in installments, and to release the Respondent from all future claims regarding the matter; and
- (7) Pursuant to Rule 15(1) of the Industrial Relations (Tribunal Procedure) Rules 2010 the Industrial Tribunal set a fixture on the 28<sup>th</sup> July, 2021 for the Case Management Hearing for Directions; and

- (8) The Applicant appeared on the day of the Case Management Hearing and acknowledged his signature on the Deed of Release and confirmed that he was not in any way forced to sign the said document. The Applicant further acknowledged that he had received full payment of the sum agreed (\$2,730), that he no longer wished to work for the Respondent and abandoned his claim for reinstatement.
- (9) Counsel for the Respondent made application to have the matter struck out.

**IT IS HEREBY ORDERED:**

- (1) That the Originating Application filed in the Industrial Tribunal on 27<sup>th</sup> January, 2021 is struck out pursuant to Rule 12(1)(e) of the Industrial Relations (Tribunal Procedures) Rule, 2010 and the matter is Dismissed.

**AND THIS IS THE DECISION OF THE TRIBUNAL**

DATED THIS 28<sup>th</sup> day of July, 2021

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Ingrid Cooper-Brooks  
Vice President  
Industrial Tribunal