



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss R Nitoi

**Respondents:** Gary Chalmers (R1)  
Helen Smith (R2)

## JUDGMENT

The claim is struck out.

## REASONS

1. The Claimant complains of unfair dismissal.
2. Section 108 of the Employment Rights Act 1996 requires a Claimant to have not less than two years service to make an unfair dismissal complaint unless the complaint is being brought in circumstances which make the dismissal automatically unfair. Those categories of automatically unfair dismissal are listed in Section 108(3) Employment Rights Act 1996.
3. The Claimant was employed by the Respondent for less than two years and although she has set out in detail why she believes her dismissal to have been unfair, she has not advanced any reason to suggest that she complains of a category of automatically unfair dismissal which would not require any minimum period of service.
4. The Claimant has therefore failed to give an acceptable reason, despite being given the opportunity to do so, why the complaint should not be struck out.

5. Accordingly, the Claimant is not entitled to bring these proceedings and, the claim is struck out on the basis that the Claimant has no standing to bring it as a result of her lack of two years continuous service.

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Employment Judge Heap

8<sup>th</sup> November 2018

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