



EMPLOYMENT TRIBUNALS

Claimant: Ms A Bienko

Respondent: Samuel Smith Old Brewery (Tadcaster)

JUDGMENT

The complaint that the claimant was unfairly dismissed 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 worked for an employer for at least two years before they can make an unfair dismissal complaint. There are some exceptions in certain types of automatically unfair dismissal complaints but none of those seems to apply.
3. The claimant was employed by the respondent for less than two years.
4. The Tribunal wrote to the claimant giving her an opportunity to explain why her unfair dismissal claim should not be struck out for that reason. She has not done so.
5. Accordingly, the complaint of unfair dismissal is struck out. The claimant's other complaints are not affected by this judgment.

Employment Judge Davies

17 March 2023