



EMPLOYMENT TRIBUNALS

Claimant: Mr S Vivace Maio

Respondent: Nabucco Limited (in creditors voluntary liquidation)

Heard at: Manchester

On: 22 May 2023

Before: Employment Judge Fairhurst

JUDGMENT

1. Pursuant to Rule 29 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations, the Respondent's name is amended to Nabucco Limited (in creditors voluntary liquidation).
2. The Claimant's complaint of unfair dismissal is dismissed on the basis that:
 - a. 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.
 - b. The Claimant was employed by the Respondent for less than two years.
 - c. Despite being given the opportunity, the Claimant has not provided any reason or evidence to suggest that the complaint falls within one of the special categories of unfair dismissal to which the two-year service requirement does not apply.
3. The Claimant's complaint of unauthorised deductions from pay contrary to Part II of the Employment Rights Act 1996 is dismissed pursuant to Rule 47 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations. This is on the basis that the Claimant failed to attend or to be represented at the hearing scheduled on 22 May 2023.
4. The Claimant's complaint in respect of holiday pay is dismissed pursuant to Rule 47 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations. This is on the basis that the Claimant failed to attend or to be represented at the hearing scheduled on 22 May 2023.

Case Number: 2403409/2023

Employment Judge Fairhurst
Date: 22 May 2023

Sent to the parties on:

2 June 2023

For the Tribunal Office: