



EMPLOYMENT TRIBUNALS

Claimant: Mr A Adams

Respondent: Elliot Brothers Ltd

JUDGMENT

The complaint of unfair dismissal is struck out.

REASONS

1. On 22 November 2024, the Respondent applied to strike out the claim on the basis that the Claimant did not have 2 years' service, and he did not fall within an exception to the 2 year requirement in accordance with s.108 of the Employment Rights Act 1996.
2. Under section 108 of the Employment Rights Act 1996 claimants are not entitled to bring a complaint of unfair dismissal unless they were employed for two years or more except in certain specific circumstances which did not seem to apply in this case, on the basis of the Claimant's email dated 21 November 2024.
3. Accordingly, by a letter dated 11 December 2024, the Tribunal gave the claimant an opportunity to make representations or to request a hearing, as to why the complaint of unfair dismissal should not be struck out because the claimant was employed for less than two years by the respondent. The Claimant was to reply by 10 am on 16 December 2024.
4. The claimant has failed to make representations in writing why this should not be done or to request a hearing. The complaint of unfair dismissal is therefore struck out.
5. The hearing fixed for the 17 December 2024 will not take place.

Regional Employment Judge Pirani
16 December 2024

JUDGMENT SENT TO THE PARTIES ON
16 December 2024 By Mr J McCormick

FOR THE TRIBUNAL OFFICE