



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Goldie

**Respondent:** Galliford Try Employment Limited  
(named in the claim form as Galliford Try Construction & Investments)

## JUDGMENT

The complaint that the claimant was unfairly dismissed is struck out. This judgment does not affect the claimant's disability discrimination claim.

## REASONS

1. The claimant complains of unfair dismissal. Whether the claimant was dismissed conventionally or constructively, the complaint he is bringing is an unfair dismissal complaint.
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.
3. The claimant was employed by the respondent for less than two years.
4. Therefore the claimant is not entitled to bring such a complaint.
5. The claimant has failed to give an acceptable reason, despite being given the opportunity to do so, why the complaint should not be struck out. In particular, he has put forward no reason why he should be entitled to bring a constructive (or conventional) unfair dismissal complaint despite having less than two years service with the respondent.
6. Accordingly, the complaint of unfair dismissal is struck out pursuant to rule 37 of the Rules of Procedure on the basis that it has no reasonable prospects of success. The claimant's other complaints – including any complaint that the claimant's dismissal (whether a conventional dismissal or a constructive dismissal) was disability discrimination – are not affected by this judgment.