



EMPLOYMENT TRIBUNALS

Claimant: Mr R Wispy

Respondent: Eat Natural Limited

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 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. While he suggested in his letter of 5 July that there are 'exceptions' to the rule 'if an employee is able to establish an automatically unfair or discriminatory reason for their dismissal'. He has brought no such claims. There is no material in his claim for that suggest such claims and therefore does not come within these exceptions.
6. Accordingly, the complaint of unfair dismissal is struck out. The breach of contract claim is not affected by this judgment and will be determined at the final hearing on 7 December 2023. The time estimate for this case is now 3 hours and you will be sent a new notice of hearing.

Employment Judge **Moor**

28 October 2022