



EMPLOYMENT TRIBUNALS

Claimant: Mr R Dunn

Respondent: Propel Tech 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. An alleged failure to comply with The ACAS code of practice is not a relevant statutory right as defined by section 104 (4) of the Employment Rights Act 1996 and cannot therefore give rise to any claim of automatically unfair dismissal under section 104 (1)
6. Accordingly, the complaint of unfair dismissal is struck out. The claimant's complaint of wrongful dismissal is not affected by this judgment, and shall remain listed but with a reduced time estimate of 3 hours.

Employment Judge Lancaster
Date: 9th January 2024

JUDGMENT SENT TO THE PARTIES ON
Date: 12th January 2024

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FOR THE TRIBUNAL OFFICE