



EMPLOYMENT TRIBUNALS

Claimant: Mr J Charlton

Respondent: Vithagan

JUDGMENT

The claim 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' continuous service to make an unfair dismissal complaint. An employee must meet the minimum continuous service requirement (at least two years) to bring a claim for automatic unfair dismissal because of a TUPE transfer.
3. The claimant was employed by the respondent for less than two years continuously. He left in May 2018 and did not return until August 2018.
4. Therefore the claimant is not entitled to bring these proceedings.
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.
6. Accordingly, the claim is struck out.

Regional Employment Judge Pirani

Date: 9 April 2019

Judgment sent to parties: 10 April 2019

FOR THE TRIBUNAL OFFICE