



EMPLOYMENT TRIBUNALS

Claimant: Mr O Ratcliffe

Respondent: JYSK Limited

JUDGMENT

The claim is struck out.

REASONS

1. In his claim form the Claimant did not tick any of the boxes in section 8 to indicate which type of claim he was bringing. He said that he had been dismissed “to protect the companies image and reputation” and made reference to his criminal record.
2. The Tribunal treated the claim as one of unfair dismissal. By a letter dated 16 July 2019 the Tribunal gave the Claimant an opportunity to make representations as to why the claim should not be struck out because it has no reasonable prospect of success, the Claimant not having the requisite two years’ service with the Respondent to qualify to claim unfair dismissal.
3. The Claimant made representations in writing on 25 July 2019 but these did not provide any details to suggest he was entitled to bring an unfair dismissal claim.
4. On 2 September 2019 the Respondent made an application for the claim to be struck out on the ground that it had no reasonable prospect of success.
5. On 11 September 2019 the Claimant confirmed to the Tribunal that his dismissal was “*by way of a protected characteristic*” under the Equality Act 2010 but did not explain what that protected characteristic was. On 19 September 2019 the Tribunal wrote to the Claimant again and pointed out that he had not identified a protected characteristic. He was given a further period, until 25 September 2019, to provide written reasons as to why the claim should not be struck out as having no reasonable prospect of success. The Claimant did not respond.

6. The Tribunal has concluded that the claim has no reasonable prospect of success as:
 - a. the Claimant has insufficient service with the Respondent to qualify to claim unfair dismissal and
 - b. the Claimant has not explained what “protected characteristic” he relies upon to make his dismissal unlawful discrimination under the Equality Act 2010.

Employment Judge Cox
Date: 30 September 2019