



EMPLOYMENT TRIBUNALS

Claimant: Mr S Gaskell

Respondent: TOTO Energy Limited

JUDGMENT

The claims of unfair dismissal and breach of contract are struck out pursuant to rule 37(1)(a) of the 2013 rules of procedure.

REASONS

1. By an Order of the tribunal sent to the parties on 15 July 2019 the Tribunal gave the claimant an opportunity to make representations by (as extended by the tribunal's letter of 12 August 2019) 16 August 2019 as to why his claims of unfair dismissal and breach of contract should not be struck out because the claimant :

- was never an employee of the respondent, and
- in any event, even if he was, he lacks qualifying service to present a claim of unfair dismissal , and therefore
- these claims have no reasonable prospect of success.

2. The claimant has failed to make representations in writing, or has failed to make any sufficient representations, why this should not be done. These claims are therefore struck out.

3. The claimant's remaining claims are unaffected by this judgment, and are to be considered further at the preliminary hearing listed for **20 November 2019**.

Employment Judge Holmes
Date: 24 October 2019

JUDGMENT SENT TO THE PARTIES ON

28 October 2019

Case No: 2300225/2019
FOR THE TRIBUNAL OFFICE