



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss M Gumaru

**Respondent:** Derma Ska Ltd t/a Rem Laser Clinic

## 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 unless her complaint falls within one of the special categories of unfair dismissal to which the two year service requirement does not apply.
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. The claim form and the claimant's letter of 27 November 2020 do not identify the unfair dismissal complaint as falling within one of the special categories of unfair dismissal to which the requirement for two years' service does not apply. The Tribunal does not have a discretion to allow unfair dismissal claims to proceed, if they do not fall within one of the special categories to which the service requirement does not apply.

6. Accordingly, the complaint of unfair dismissal is struck out. The claimant's other complaints are not affected by this judgment and will proceed to a hearing as notified.

Employment Judge Slater  
Date: 11 January 2021

JUDGMENT SENT TO THE PARTIES ON  
12 January 2021

FOR THE TRIBUNAL OFFICE