



EMPLOYMENT TRIBUNALS

Claimant: Mr K Simmons

Respondent: D howe haulage ltd

JUDGMENT

The complaint that the claimant was unfairly dismissed is struck out. His claim of wrongful dismissal continues and will be listed for hearing.

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.
6. Accordingly, the complaint of unfair dismissal is struck out. The claimant's other complaints are not affected by this judgment.

Employment Judge JM Wade
Date: 10 March 2022

JUDGMENT SENT TO THE PARTIES ON
Date: 11 March 2022