



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: S/4118380/2018

Preliminary Hearing Held at Dundee on 7 December 2018

Employment Judge: I McFatridge (sitting alone)

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Mrs I Csuka

**Claimant
In person**

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Stuart Wright Care Ltd

**Respondent
Represented by:
Mrs Forsyth
Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal is that

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(1) The claimant's complaint of ordinary unfair dismissal in terms of Section 98 of the Employment Rights Act 1996 cannot proceed as the claimant does not have qualifying service to bring such a complaint. The claim under Section 98 is dismissed.

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(2) The claimant's claim of automatically unfair dismissal under Section 104C of the Employment Rights Act 1996 shall proceed to a hearing.

(3) The Tribunal has no jurisdiction to hear the claimant's claim of an unlawful deduction from wages as the claim is time barred. The claim for unlawful deduction from wages is dismissed.

E.T. Z4 (WR)

REASONS

Oral reasons were given at the hearing.

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CASE MANAGEMENT

1. At the end of the hearing I agreed with the parties that a Preliminary Hearing should be fixed in order to make arrangements for the hearing of the claimant's single remaining claim which is a claim of automatically unfair dismissal in terms of Section 104C of the Employment Rights Act. Such a hearing should take place by telephone conference call.

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30 **Employment Judge: Ian McFatridge**
Date of Judgment: 11 December 2018
Entered in register: 12 December 2018
and copied to parties