



# EMPLOYMENT TRIBUNALS

BETWEEN

*Claimant*

*Respondent*

Mrs M E Field

AND

Nova Payroll  
Management Limited

## PUBLIC PRELIMINARY HEARING

Heard at: North Shields                      On: 7 December 2017

Before: Employment Judge Johnson

### *Appearances*

For the Claimant:                      Ms M E Field in person  
For the Respondent:                      Mr A Hall (Company Accountant)

## JUDGMENT

- 1     The claimant had not been continuously employed for a period of not less than two years ending with the effective date of termination of her employment on 4 January 2016. Pursuant to section 108 of the Employment Rights Act 1996, the claimant does not have the right to present a complaint of unfair dismissal. That claim is dismissed.
- 2     The claimant's complaints of breach of contract (failure to pay accrued holiday), unpaid wages and unpaid holiday pay were the subject matter of the claimant's counter claim in County Court proceedings in the Newcastle upon Tyne County Court under case number C00NET90, in which all of those claims were dismissed by District Judge D G Morgan on 21 September 2017 following a 7 day hearing between 31 October 2016 and 10 March 2017. The doctrine of "des res judicata" applies to those claims as they are issues which have been decided in previous proceedings by a final judgment which is not subject to any appeal. All of those claims are hereby struck out and are dismissed.

- 3 The issues relating to whether any of the claimant's claims were presented within the appropriate Employment Tribunal time limits do not fall to be decided as the result of the dismissal of the claimant's claims on the grounds set out above.

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**EMPLOYMENT JUDGE JOHNSON**

**JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON**

**11 December 2017**