



EMPLOYMENT TRIBUNALS

Claimant: Mr M Day

Respondent: Stobart Retail Limited

Heard at: Carlisle

On: 29 August 2019

Before: Employment Judge Morris
(sitting alone)

REPRESENTATION:

Claimant: In person

Respondent: Mr J Jenkins, Counsel

JUDGMENT

The judgment of the Employment Tribunal is as follows:

1. The claimant was not an employee of the respondent as that term is defined in section 230(1) of the Employment Rights Act 1996. As such, he cannot present a complaint to the Tribunal relying upon the right of employees not to be unfairly dismissed by their employer pursuant to section 94 of that Act.
2. Had the judgment of the Tribunal in the above respect been to the contrary:
 - 2.1 contrary to his assertion, the claimant was not continuously employed by the respondent for a period of not less than two years ending with what he asserts was the effective date of termination of his employment, which is required by section 108(1) of that Act; and
 - 2.2 he did not present his complaint to the Tribunal before the end of the period of three months beginning with that effective date of termination (as extended by early conciliation) as is required by section 111(1) of that Act, and it was reasonably practicable for any complaint to have been presented within that time period.

3. The claimant's engagement by the respondent was not terminated and, as such, he was not entitled to notice of such termination or to any pay in lieu of that notice.

Employment Judge Morris

Date: 5 September 2019

JUDGMENT SENT TO THE PARTIES ON

12 September 2019
FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.