



EMPLOYMENT TRIBUNALS

Claimant: Mr L Attwal

Respondent: Samworth Brothers Limited trading as Walker & Sons

JUDGMENT

The complaint of unfair dismissal is struck out under rule 37 on the basis that it has no reasonable prospects of success. This does not affect the claimant's discrimination claim.

REASONS

1. By way of background, I refer to the strike out warning previously sent to the claimant and to the written record of the preliminary hearing that took place on 31 March 2020.
2. The complaints in the claimant's claim form are constructive unfair dismissal and disability discrimination. The claimant was employed by the respondent for less than 2 years and the unfair dismissal complaint is what a lawyer would call an 'ordinary' one (i.e. not a whistleblowing claim or anything like that). The Tribunal therefore has no power to deal with the unfair dismissal complaint given that the claimant had less than 2 years' service. Many weeks ago, he was given a warning by the Tribunal that his unfair dismissal claim would be struck out unless he could explain how we could deal with it in the circumstances. He has not explained this, at the preliminary hearing he did not object to the unfair dismissal complaint being struck out, and he has not requested a hearing specifically to deal with the proposed striking out of the unfair dismissal complaint. I am therefore striking it out on the basis that it has no reasonable prospects of success and that there is no good reason not to do so.

01/04/2020

Sent to the parties on:

03/04/2020.....

For the Tribunal Office: