



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Finaru

**Respondent:** Raina Ltd

## JUDGMENT

The claimant's claim is struck out.

## REASONS

1. By letter dated **26 November 2021**, the Tribunal gave the claimant an opportunity to make representations as to why his claim should not be struck out (or to request a hearing at which to make such representations) because (a) it has not been actively pursued, or (b) it has no reasonable prospects of success.
2. No reply has been received.
3. The claim has not been actively pursued.
4. The claim also has no reasonable prospects of success.
5. To proceed with his complaints of unfair dismissal and a failure to pay a statutory redundancy payment, the claimant will need to establish that he satisfies the definition of an "employee" under section 230(1) of the Employment Rights Act 1996 and if so, that he was continuously employed for a period of not less than two years ending with the date of termination (section 108 Employment Rights Act 1996). The claimant has made no representations in response to the respondent's assertion that the claimant was engaged as an independent contractor and therefore not an employee for the purposes of section 230(1). In any event, it is not in dispute that the claimant was engaged by the respondent for less than two years (from 5 November 2020 to 27 January 2021).

6. The claim is therefore struck out.

Employment Judge Peck  
16 December 2021

JUDGMENT SENT TO THE PARTIES ON  
27 January 2022

FOR THE TRIBUNAL OFFICE

Notes

1. 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.
2. Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.