



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss L Topi

**Respondent:** Great Greek Grill House

## JUDGMENT

**The claim is struck out.**

## REASONS

1. The claimant has less than the 2 years' continuous employment necessary to bring a complaint of unfair dismissal. She has not pleaded that any of the exceptions to this rule under section 104 of the Employment Rights Act 1996 apply in her case. By a letter of 10 January 2022, the tribunal gave her the opportunity by 24 January 2022 to state whether any such exception applies. No reply was received by the tribunal from the claimant.
2. By an email of 25 January 2022, the respondent informed the tribunal that the claimant had not provided it with her witness statements and it had not been copied in to any representations made by her to the tribunal in respect of the exceptions under section 104 of the Employment Rights Act 1996; and that she had not engaged with the respondent at all, including a failure to communicate with it in respect of supplying copies of all relevant documents (by 16th September 2021) and agreeing a bundle of documents (by 10th January 2022).
3. By email of 31 January 2022, the tribunal wrote to the claimant stating that it was considering striking out the claim under rule 37 on the grounds of non-compliance with the tribunal's orders and/or on the grounds that it had not been actively pursued. The letter gave the claimant the opportunity by 7 February 2022 to make any representations as to why this should not be done or to request a hearing.
4. The tribunal has received no response from the claimant.
5. The claim is therefore struck out on the grounds of non-compliance with the tribunal's orders and on the grounds that it had not been actively pursued.
6. In addition, the unfair dismissal complaint is struck out on the basis that the tribunal does not have jurisdiction to hear it as the claimant does not have sufficient continuous employment.

7. The hearing listed for 14-15 February 2022 is vacated and will not take place

9 February 2022

---

Employment Judge Baty

JUDGMENT SENT TO THE PARTIES ON

10 February 2022

.....  
FOR THE TRIBUNAL OFFICE