



# EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100056/2020

Held in Glasgow on 22 May 2020 (conducted by telephone conference call)

Employment Judge Ian McPherson

Mr Martin Weir

Claimant  
In Person

Braehead Foods Limited

Respondents  
Represented by:  
Mr Robin White -  
Solicitor

## JUDGMENT

The unfair dismissal part of the claim, having been withdrawn by the claimant, on the basis that he does not have sufficient qualifying service to make such a complaint, that part of the claim is dismissed under **Rule 52 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.** The remaining part of the claim, complaining of unlawful disability discrimination, is unaffected by this part-withdrawal, and it will proceed as separately ordered by the Tribunal.

## REASONS

- (1) Having heard the claimant in person, and the respondents' representative, in Case Management Preliminary Hearing, and considered their completed PH Agendas, the Tribunal notes and records that the claimant accepted at this Preliminary Hearing that he has less than 2 years' qualifying continuous service with the respondents, and so, in terms of **Section 108 of the Employment Rights Act 1996**, he has insufficient service to bring a complaint of unfair dismissal against the respondents under **Section 94**, and thus the Tribunal has no jurisdiction to consider that part of his claim.
- (2) In these circumstances, the claimant intimated that he was withdrawing that part of his claim, in terms of **Rule 51**, whereupon the respondents' representative sought dismissal of that part of the claim under **Rule 52**, which the Tribunal granted.

Employment Judge: Ian McPherson  
Date of Judgment: 22 May 2020  
Entered in register: 28 May 2020  
and copied to parties