

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104584/2017 Held in Glasgow on 11 December 2017

Employment Judge Shona MacLean

5	Mr S Campbell	Claimant In Person
	Flynn James Limited t/a Flec Payroll	Respondent Not present Not Represented
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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Employment Tribunal is that under section 108 of the Employment Rights Act 1996 the Tribunal does not have jurisdiction to hear the claimant's complaint of unfair dismissal which is dismissed.

20 **REASONS**

Background

1. On 14 September 2017, the claimant sent a claim form to the Tribunal in which he states that he was employed by HG Airdrie Limited, 6 Waterside Street, Strathaven. ML19 6AW from 6 February 2017 and was terminated
25 summarily on 14 July 2017. The claimant complains of unfair dismissal; unlawful deduction from wages; failure to pay accrued holiday pay and breach of contract (failure to give notice of termination).

2. A response was sent to the Tribunal on 10 October 2017 on behalf of Flynn James Limited t/a Flee Payroll. Mark Houston is the contact name. The
30 response confirms the dates of employment given by the claimant. Flynn James Limited denied that the claimant is entitled to the money claimed.

3. On 25 October 2017, the claimant provided additional information about the basis of his unfair dismissal claim. The claimant said that he left a full time job to work for the respondent. He was dismissed while at work with no warning, no explanation and no right of appeal. The claimant said he had no previous disciplinary record and still had no explanation for the reason for his dismissal. The claimant said that he was aware that he had not been employed for two years.
4. The claimant also provided copy wages slips from HG Airdrie Limited. The last wage slip dated 16 July 2017 was issued by Flee Payroll Limited.
5. The parties were advised by letter dated 7 November 2017 that a preliminary hearing would be fixed to address the issue of qualifying service for the unfair dismissal jurisdiction. A notice of preliminary hearing was sent to the claimant and Flynn James Limited on 25 November 2017 advising that the preliminary hearing would take place on 11 December 2017.

15 **The Preliminary Hearing**

6. The claimant appeared in person. Ms McLeod attended to give evidence on his behalf. There was no appearance by or for the respondent. Between 10am and 10.30am the clerk telephoned twice on the day time telephone number provided on the response form. There was no reply. No message had been received that the respondent was delayed. In the circumstances, the Tribunal proceeded to consider the preliminary issue.
7. The Tribunal was satisfied that the claimant did not have sufficient qualifying service to entitle him to bring a claim of unfair dismissal. In the absence of any disciplinary hearing or letter advising him of the respondent's reason for terminating his employment the claimant did not know the reason for his dismissal. To his credit the claimant did not seek to suggest that one of the reasons was gave rise to an automatic unfair dismissal claim.

8. In the circumstances, the Tribunal concluded that that it did not have jurisdiction to hear the unfair dismissal case and it was dismissed.

Employment Judge: Shona MacLean
Date of Judgment: 11 December 2017
Entered in register: 13 December 2017
and copied to parties

