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## EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4101547/2022

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Held in chambers in Glasgow on 16 May 2022

Employment Judge Ian McPherson

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**Miss Hollie Hulbert**

**Claimant**

**Care Pharmacy**

**Respondents  
No ET3 response  
Debarred**

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# JUDGMENT

### Rule 21 of the Employment Tribunal Rules of Procedure 2013

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No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under **Rule 21**, amending the name of the respondents from “**Mr Mohammed Ameen / Care Pharmacy**” as shown on the ET1 claim form, to correct an administrative error by the Tribunal and show the respondents’ name, being “**Care Pharmacy**”, as shown on the ACAS early conciliation certificate R111564/22/59, issued on 4 March 2022, and referenced in the ET1 claim form, and having taken into account the claimant’s additional information provided to the Tribunal by the claimant’s further information, dated 9 May 2022, further to the Tribunal’s request by Employment Judge Doherty for further information on 29 April 2022.

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**REASONS**

1. A copy of the claim form setting out the claimant`s complaints was sent to the respondents by the Tribunal on 18 March 2022 for the attention of  
5 Mr Mohammed Ameen.
2. In accordance with the terms of **Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013** the respondents were required to enter a  
10 response within twenty eight days of the date on which a copy of the claim was sent to them by post, but they failed to do so, by the due date of 15 April 2022, or at all.
3. The claimant stated that she was formerly employed by the respondents  
15 from 26 May 2020 to 15 December 2021 as a trainee dispenser. She complained that she had been unfairly dismissed by the respondents, and that she was owed notice pay and other payments. She claimed one month`s wages as payment in lieu of notice.
- 20 4. On 29 April 2022, Employment Judge Doherty noted that no acceptable response had been received to the claim, and it was therefore possible to issue a Judgment without the need for a Hearing.
- 25 5. However, that Judge considered that there was insufficient information to issue a Judgment at that stage and therefore she required the claimant to provide further information as to how much compensation she was seeking, and what is the basis of her claim, such information to be provided within 14 days. A copy of that letter was sent to the respondents for information only.  
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6. Judge Doherty also stated, as set forth in that letter from the Tribunal, that it appeared that the claimant had less than the 2 years qualifying service necessary to bring an unfair dismissal complaint, and enquired

on what other basis it could be said that the Tribunal could consider the unfair dismissal complaint.

- 5 7. The claimant provided a reply to the Tribunal, on 9 May 2022, with further information. She advised that her claim is for non-payment of her wages due in lieu of notice, amounting to £1,470.16 or £1,306.74 net, and that this is the sum she would seek compensation for. No alternative basis was suggested by the claimant to allow the Tribunal to consider the unfair dismissal head of complaint against the respondents.
- 10 8. No response to the claim having been presented, I have decided to issue the following judgment on the available material under **Rule 21**.
- 15 9. The claimant was dismissed in breach of contract in respect of notice and the respondents are ordered to pay damages to the claimant of one month's pay in the gross amount of **One thousand, four hundred and seventy pounds, and sixteen pence (£1,470.16)**.
- 20 10. The complaint of unfair dismissal is dismissed by the Tribunal as the claimant does not have the appropriate qualifying service in terms of **Section 108 of the Employment Rights Act 1996**, and the claimant has not suggested the Tribunal otherwise has jurisdiction to consider an unfair dismissal complaint. That head of complaint is accordingly dismissed for lack of jurisdiction

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Employment Judge: Ian McPherson  
Date of Judgment: 16 May 2022  
Entered in register: 23 May 2022  
30 and copied to parties