



# EMPLOYMENT TRIBUNALS

**Claimant:** Sri Harsha Kurella

**Respondent** Oxygen Technical Solutions Limited

**Heard at:** South London Hearing Centre, via the Virtual Region

**On:** 31 August 2022

**Before:** Employment Judge Sugarman

**Representation**

**Claimant:** In person

**Respondent:** Mrs Marshall - Solicitor

## JUDGMENT

1. The Claimant instituted proceedings against Matthew Hearn, having named Oxygen Technical Solutions Limited in the Early Conciliation Certificate. As such, the Claim Form suffered from a substantive defect within the meaning of Rule 12(1)(f) of the Employment Tribunal Rules of Procedure 2013 (“the Rules”). However, the Claimant made an error in naming Mr Hearn as the Respondent and it is not in the interests of justice to reject the claim. As such, applying Rule 12(2A) of the Rules, the claim is not rejected.
2. The name of the Respondent is amended: Oxygen Technical Solutions Limited is substituted in place of Matthew Hearn.
3. The Claimant’s claim of unfair dismissal is dismissed upon withdrawal. The Claimant did not appreciate when he lodged the claim that he required 2 years’ service to bring such a claim.
4. The Claimant was an employee of the Respondent and is therefore, subject to any other jurisdictional points, able to pursue his claims in the Tribunal for breach of contract.

**Case No: 2305834/2021**

Employment Judge Sugarman

1 September 2022

Notes

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.

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