



THE EMPLOYMENT TRIBUNAL

BETWEEN:

Mr A Crotty

Claimant

and

Metiisto Design Ltd

Respondent

JUDGMENT

The claim of unfair dismissal is dismissed.

REASONS

1. In this matter the claimant complains of both unfair dismissal and disability discrimination.
2. On 26 September 2022 on the instruction of Judge Corrigan, the tribunal wrote to the claimant referring him to section 108 of the Employment Rights Act 1996 and the requirement for a claimant to have been employed for two years or more, except in certain specific circumstances, in order to be entitled to bring a complaint of unfair dismissal. The claimant was informed that it appeared from his claim that he had been employed for less than two years and he was given the opportunity to give reasons in writing why his complaint of unfair dismissal should not be struck out.
3. The claimant replied stating that his employment was terminated due to absences caused by a brain tumour and that as such he was discriminated against because of his disability.
4. Even if a dismissal was an act of discrimination, a claimant still requires two years employment in order to bring a claim of unfair dismissal. Accordingly, the claimant's claim of unfair dismissal is struck out and dismissed.

5. This Judgment has no impact on the claims of disability discrimination, which may include a claim that the dismissal was an act of disability discrimination, which shall proceed to preliminary hearing as already listed on 14 April 2023.

Employment Judge K Andrews
Date: 15 November 2022