



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Frederisken

Respondent: Mercure Bolton Georgian House Hotel

JUDGMENT

The claim is struck out.

REASONS

1. The claim contains a single complaint of unfair dismissal.
2. The claimant was not continuously employed for two years ending with the effective date of termination.
3. Section 108 of the Employment Rights Act 1996 places a limit on the rights of employees to bring a claim of unfair dismissal. As a general rule, employees have no right to bring such a claim unless they were continuously employed for two years ending with the effective date of termination.
4. There are exceptions to the rule in section 108. These are set out in section 108 itself. None of the exceptions appear to apply in this case.
5. Rule 37 of the Employment Tribunal Rules of Procedure 2013 gives the tribunal the power to strike out a claim on the ground that it has no reasonable prospect of success.
6. By a letter dated 3 November 2022, the Tribunal gave the claimant until 10 November 2022 to show cause why his complaint of unfair dismissal should not be struck out.
7. The claimant has not replied to that letter.
8. The claim is therefore struck out.

Employment Judge Horne
22 November 2022

Case Number: 2408559/2022

JUDGMENT SENT TO THE PARTIES ON

5 December 2022

FOR THE TRIBUNAL OFFICE