



# EMPLOYMENT TRIBUNALS

Claimant: Mr J Dias

Respondent: DOUGH&co Swindon Ltd

## JUDGMENT

The complaint that the Claimant was unfairly dismissed is struck out.  
The remaining claims of unpaid holiday entitlement, and wages will still proceed.

## REASONS

1. The Claimant complains of unfair dismissal.
2. Section 108 of the Employment Rights Act 1996 requires a Claimant to have not less than two years' service to make an unfair dismissal complaint.
3. The Claimant was employed by the Respondent for less than two years.
4. Therefore, the Claimant is not entitled to bring such a complaint.
5. The Claimant has failed to give an acceptable reason, despite being given the opportunity to do so, why the complaint should not be struck out.
6. Accordingly, the complaint of unfair dismissal is struck out. The Claimant's other complaints are not affected by this judgment.

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Employment Judge Cadney  
Date: 30<sup>th</sup> December 2022