



EMPLOYMENT TRIBUNALS

Claimant: Mr L Ene
Respondent: GXO Logistics UK II Ltd

JUDGMENT

The claim is struck out in its entirety.

REASONS

1. The Claimant brought a complaint of unfair dismissal only on 17 January 2023. On 14 March 2023 the Tribunal wrote to him warning him that she was considering striking out his complaint of unfair dismissal because he did not have two years' service with the Respondent. He was told that he could object in writing or request a hearing.
2. On 22 March 2023 the Claimant responded. He accepted that he could not bring a complaint of unfair dismissal but suggested that he would be eligible to complain of wrongful dismissal (breach of contract).
3. On 11 April 2023 the Tribunal wrote to the Claimant to say that EJ Rogerson had concluded that his unfair dismissal complaint should be struck out. She informed him that there was no legal basis upon which he could claim the same compensation for unfair dismissal as damages for breach of contract and she asked him to identify and explain the precise breach of contract he was complaining about, and what damages it had caused. A reply was required by 17 April 2023. The Claimant has not replied.
4. It is therefore appropriate to strike-out his unfair dismissal complaint, because he had not worked for the Respondent for two years as required by s 108 Employment Rights Act 1996.
5. That is the only complaint in the claim form. The Claimant has not brought a wrongful dismissal or breach of contract claim. Even if his email of 22 March 2023 were treated as an application to amend his claim to add a complaint of wrongful

dismissal, the Claimant has not provided the further information about that required by EJ Rogerson and it is consistent with the overriding objective to strike out his claim in those circumstances.

Employment Judge Davies

25 April 2023