



EMPLOYMENT TRIBUNALS

Claimant: Mr A Johal

Respondent: Circet

JUDGMENT

The complaint that the claimant was unfairly dismissed is struck out.

REASONS

1. The claimant complains of unfair dismissal. Section 108 of the Employment Rights Act 1996 requires a claimant to have not less than two years' continuous service to make an unfair dismissal complaint. The claimant was employed by the respondent for less than two continuous years. Therefore the claimant is not entitled to bring such a complaint.
2. On 2 May 2023 the claimant wrote to the tribunal saying, amongst other things, *"I am stating the case of constructive dismissal on the basis that I have served almost 3 years at this company. Yes I had left after 1 year but was always told if ever I wanted to come back I can do."* The circumstances of his leaving and rejoining the respondent are described in his original claim form, but there is nothing in this to suggest that there was not a proper break in service or that he had the necessary two years' continuous service for an unfair dismissal claim.

Employment Judge Anstis

Date: 21 June 2023

JUDGMENT SENT TO THE PARTIES ON

24 July 2023

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J Moossavi

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FOR THE TRIBUNAL OFFICE