



EMPLOYMENT TRIBUNALS

London South Employment Tribunal

Claimant: Silviu Margean
Respondent: Wifinity Ltd
Before: Judge M Aspinall (sitting alone as an Employment Judge)

JUDGMENT

1. For the reasons which follow, the claim for Unfair Dismissal is struck out.
2. No other claim is affected.

Reasons

3. On 27 June 2022, the Tribunal sent the Claimant, Mr Margean, a strike out warning letter. This letter explained that under section 108 of the Employment Rights Act 1996, claimants must have at least 2 years' continuous service to bring a claim for ordinary unfair dismissal.
4. The letter noted that based on the information provided in his claim form, Mr Margean did not appear to meet this minimum service requirement, having only been employed by the Respondent from 10 January 2022 to 2 February 2022.
5. The strike out warning letter directed Mr Margean to provide reasons in writing by 18 July 2022 explaining why his unfair dismissal complaint should not be struck out.
6. Despite this direction, Mr Margean did not provide any written response by the deadline of 18 July 2022, or at all. No application was made to extend time.
7. As Mr Margean failed to respond to the strike out warning letter within the time allowed and has not provided any reasons why his unfair dismissal claim should not be struck out, I find that I must strike out this claim pursuant to Rule 37 of the Employment Tribunals Rules of Procedure 2013.
8. Mr Margean was employed by the Respondent for less than 2 months. He has not met the minimum statutory requirement of 2 years' continuous service to bring a claim for ordinary unfair dismissal under the Employment Rights Act 1996. Therefore, Mr Margean's unfair dismissal complaint is struck out.

Employment Judge M Aspinall
Date: 05 September 2023