



EMPLOYMENT TRIBUNALS

Claimant: Mr O Akintola

Respondent: Mitie Security Ltd

Heard at: London South via Video Hearing

On: 2 November 2023

Before: Employment Judge L Knowles

Appearances

For the Claimant: In person
For the Respondent: Mr Webster, Counsel

JUDGMENT

The judgment of the tribunal is that:

1. The Claimant's complaint of unfair dismissal is struck out. The Tribunal does not have jurisdiction to hear it.
2. The Respondent's application to strike out the claim of unlawful deductions of wages was refused.

REASONS

3. By a letter dated **2 May 2023** the Tribunal issued a Strike Out Warning in relation to the Claimant's complaint that he was unfairly dismissed due to a lack of qualifying service as, on the face of his Claim Form, he was employed for less than two years. The claimant was given an opportunity to make representations or to request a hearing, as to why the claim should not be struck out due to a lack of jurisdiction.
4. The Claimant submitted replies on 13 June 2023, 4 September 2023 and 27 October 2023. These replies did not set out reasons which fell within the definition of complaints which, if upheld, would give rise to a finding of automatic unfair dismissal. Rather, the Claimant's complaints were of the process applied by the Respondent and / or inappropriate application of the vetting process in his position.

5. A Preliminary Hearing to consider an application by the Respondent to strike out both the claim of unfair dismissal and a claim of unlawful deductions of wages took place on 2 November 2023.
6. The Claimant did not provide any further reasons than those set out in his replies and therefore the Tribunal does not have jurisdiction to hear the Claimant's complaint that he was unfairly dismissed and that claim is struck out.
7. The application to strike out the claim for unlawful deductions for wages was refused as the Tribunal was not persuaded that the claim has no reasonable prospect of success with reasons given orally at the Preliminary Hearing. The claim for unlawful deductions of wages will therefore proceed to a final hearing with separate case management orders given.

Employment Judge L Knowles
02 November 2023

Note: Reasons for these decisions were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when this order was sent to the parties. If written reasons are requested, they may be very brief.