



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. Giovanni Larocca

**Respondent:** Morgan Sindall Property Services Ltd.

**Hearing:** Open Preliminary Hearing

**Heard at:** London Central ET (by video/CVP)      **On:** 27 February 2024

**Before:** Employment Judge Tinnion

**For Claimant:** No attendance or representation

**For Respondent:** Ms. N. Davies, Counsel

## JUDGMENT

1. The Claimant's claim of unfair dismissal under ss.94-98 of the Employment Rights Act 1996 against the Respondent is struck out under Rule 37(1)(a) (no reasonable prospect of success) because the Respondent did not employ the Claimant for a period of at least 2 years.

## REASONS

2. By his ET1 presented on 12 November 2023, the Claimant (a litigant in person) presented a claim of unfair dismissal against the Respondent, his former employer, under ss.94-98 of the Employment Rights Act 1996.
3. In order for that claim to succeed, the Claimant was required to establish that he have been employed by the Respondent for a minimum period of at least 2 years.
4. The Claimant's ET1 stated he had been employed by the Respondent from 12 September 2022 until 4 September 2023, a period of just under a year. The Respondent's ET3 agreed it employed the Claimant from 12 September 2022 until 4 September 2023.
5. The parties therefore agreed the Claimant had been employed by the Respondent for less than 2 years.
6. Because the Claimant was employed by the Respondent for less than 2 years, the Claimant's unfair dismissal claim against the Respondent has no prospect of success. It is appropriate to strike it out under Rule 37(1)(a).

**NOTE**

7. Tribunal judgments are published online after they are sent to the parties.

Signed (electronically): *Employment Judge Antoine Tinnion*

Date of signature: 27 February 2024

Date sent to parties: 11 March 2024

For the Tribunal Office: