



# EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8000128/2024

C McManus, Employment Judge

Mr A Wardlow

Claimant

Rumba Kazz Ltd

Respondent

## JUDGMENT

The complaint of unfair dismissal is struck out under rule 37 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 on the grounds that the claim has no reasonable prospect of success in terms of rule 37(1)(a).

## REASONS

1. On 4 April 2024, the Tribunal wrote to the claimant to ask him to say on what basis he is entitled to claim unfair dismissal in circumstances when he does not have two years' service, which is normally required.
2. On 16 April 2024, the claimant replied stating that he was not aware that two years' service was required. He explained the circumstances of his dismissal which he considered were unfair but provided no comment on why the Tribunal would have jurisdiction to hear his claim.
3. On 19 April 2024 the Tribunal gave the claimant an opportunity to give written reasons by 3 May 2024 or to request a hearing in order to consider why the complaint of unfair dismissal should not be struck out.

4. On 3 May 2024, the claimant replied to acknowledge that he did not have two years' service, but still maintained that his dismissal was unfair.
5. The Tribunal replied on 7 May 2024 to explain that it has no jurisdiction to consider a complaint of unfair dismissal where the claimant does not have two years' service except in specific circumstances. The claimant was asked to confirm why he was entitled to bring the complaint to the Employment Tribunal.
6. The claimant wrote to the Tribunal again on 24 May 2024 in similar terms to his correspondence of 3 May 2024, providing no additional information as to why the Tribunal had jurisdiction to hear his claim.
7. The claimant has failed to give an acceptable reason why the claim should not be struck out or to request a hearing. The Tribunal therefore strikes out the claim of unfair dismissal on the basis that it has no reasonable prospect of success.

**Employment Judge: C McManus**  
**Date of Judgment: 29 May 2024**  
**Entered in register: 29 May 2024**  
**and copied to parties**