



EMPLOYMENT TRIBUNALS

Claimant: Mr D. Owen

Respondent: Rethink Professional Services Limited

London Central

Employment Judge Goodman

18 July 2024

JUDGMENT

The unfair dismissal claim is dismissed under rule 37 because it has no reasonable prospect of success.

REASONS

1. The claimant presented form ET1 on 13 January 2023, claiming he had been unfairly dismissed by the respondent. He stated he had started employment on 10 May 2021 and that his employment ended on 26 August 2022. No other claim is made.
2. There was some initial confusion on whether the claim should or should not have been accepted. The claimant was asked on 18 February 2023 to show cause why he could bring an unfair dismissal claim despite not having the two years service required by s. 108 of the Employment Rights Act 1996. He replied elaborating his reasons why the dismissal was unfair but did not address qualifying service or whether there was any other claim.
3. Meanwhile the respondent had been told they need not respond yet. The claim was listed for hearing. The hearing was postponed to enable the respondent to respond. On 4 August 2023 the respondent was sent the claim form and allowed another 28 days to respond. They have not. It appears they were confused by having initially been told they need not respond.
4. The claim was referred to me when ACAS wrote to ask about progress. On 9 February 2024 I directed that the claimant write to the employment tribunal by 22 February 2024 to explain why the claim should not be struck out because he lacked 2 years qualifying service to be able to claim unfair

dismissal.

5. The claimant did not reply. On 28 May 2024 the respondent wrote asking about the status of the claim. On 17 June the claimant wrote saying:

Just wondering if anything is needed from me with this request. It's been nearly 2 years now since I left Rethink so I would like to get some resolution with this matter. Many thanks.

6. This correspondence was referred to me on 18 July 2024.
7. Having reviewed the file I conclude that despite having had two opportunities to say why the unfair dismissal claim should not be struck out, he has not identified any reason why not. He did not have two years service at the date of dismissal. Without that service the tribunal has no jurisdiction to decide the claim. There is no other claim.
8. I conclude that the claim has no reasonable prospect of success and should therefore be dismissed under rule 37 of the Employment Tribunal Rules of Procedure 2013

Employment Judge Goodman

Date 18 July 2024

JUDGMENT SENT TO THE PARTIES ON

24 July 2024

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FOR THE TRIBUNAL OFFICE

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