



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A. Lewis

**Respondent:** SBFM Limited

**London Central**

**Employment Judge Goodman**

**29 July 2024**

## JUDGMENT

The claims for unfair dismissal and unlawful deductions are struck out under rule 37.

## REASONS

1. On 17 February 2024 the claimant presented a claim for unfair dismissal and unpaid wages. He said he had been suspended from work following an altercation with a supervisor.
2. He had been employed for only 3 months. As provided in the Employment Rights Act 1996, an employee must have been employed for 2 years before he can claim unfair dismissal.
3. The employer responded to the claim, saying that he had been dismissed on 5 February following an investigation, that he had been paid a week's notice in the March payroll, and that he had been paid for the period of suspension, which had been overlooked, in the April payroll.
4. The claimant has been asked (1) if there is any reason why he should be able to claim unfair dismissal with less than two years service, and (2) whether he agrees that all money owed has now been paid. He has not replied.
5. A hearing of the money claim is listed for 31 July.
6. Rule 37 of the Employment Tribunal Rules of Procedure 2013 provides that claims can be dismissed if they have no reasonable prospects of success, or if they are not actively pursued.

7. Having regard to the information available I consider the unfair dismissal claim should be dismissed as having no reasonable prospect of success, and that the money claim should be dismissed because not actively pursued. It is fair to assume that the claimant has not replied because he has been paid as the respondent says.
8. The hearing on 31 July 2024 will not take place.
9. If anything has been overlooked and a hearing is required the claimant may apply for reconsideration of this decision within 14 days of it being sent to him.

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Employment Judge Goodman

Date 29 July 2024

JUDGMENT SENT TO THE PARTIES ON

1 August 2024

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FOR THE TRIBUNAL OFFICE

**Note**

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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