



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case Number: 8000403/2024**

**Mr D Ukaenwe**

**Claimant**

**Sodexo Limited**

**Respondent**

### **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The claim for 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. The judgment dated 24 September 2024 in this case was promulgated as a result of an administrative error. The judgment has been reconsidered by the Employment Judge and is revoked in terms of rule 72. That judgment referred to the entire claim of the claimant being dismissed. The judgment ought only to have referred to the claimant's claim of unfair dismissal.
2. It is currently common ground that the claimant lacks the 2 years' service normally required by section 108(1) of the Employment Rights Act 1996 to qualify for the right to claim unfair dismissal and the claimant does not appear to rely on any of the exceptions to that rule listed in section 108(2) of the same Act.

3. On 3<sup>rd</sup> September 2024 the Tribunal issued a strike out warning and gave the claimant an opportunity to give written reasons by 17<sup>th</sup> September 2024 or to request a hearing in order to consider why the claim should not be struck out.
4. The claimant has failed to give an acceptable reason why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the claim for unfair dismissal on the grounds that claim has no reasonable prospect of success, in terms of Rule 37(1)(a).

**Employment Judge: A Jones**  
**Date of Judgment: 25 September 2024**

**Date sent to parties**

25/09/2024