



EMPLOYMENT TRIBUNALS (SCOTLAND)

Employment Judge M Whitcombe

Case Number: 8000886/2024

Miss S Healy

Claimant

Advance Construction Scotland Ltd

Respondent

JUDGMENT

The complaint of unfair dismissal is struck out under rule 38(1)(a) of the Employment Tribunal Procedure Rules 2024 because it has no reasonable prospect of success.

REASONS

1. At the preliminary hearing for case management on 9 September 2024 the claimant agreed that she had less than 2 years' service when her employment ended and did not appear to rely on any of the exceptions to the default rule that a minimum of 2 years' service is necessary to qualify for the right to claim unfair dismissal. The default rule and the exceptions to it are set out in section 108 of the Employment Rights Act 1996.
2. In the case management order dated 10 September 2024 the Tribunal gave the claimant an opportunity to give written reasons by 17 September 2024 why the complaint of unfair dismissal should not be struck out, or to request a hearing for that purpose. The claimant did not give any such reasons or make any such request.

3. The Tribunal therefore strikes out the complaint of unfair dismissal.

Employment Judge Mark Whitcombe

Date of Judgment

07 February 2025

Date sent to parties

07 February 2025