



# EMPLOYMENT TRIBUNALS

Claimant: L Dyke

Respondent: The Gamekeepers Pub, Woodlands

## JUDGMENT

1. The complaint of unfair dismissal under the Employment Rights Act 1996 (“**ERA**”) is struck out under Employment Tribunal Rule 38(1)(a) because it has no reasonable prospect of success.

## REASONS

1. The claimant complains, amongst other things, of unfair dismissal.
2. Section 108 of the Employment Rights Act 1996 requires a claimant to have not less than two years service to make an unfair dismissal complaint.
3. On 23 February 2025 the Tribunal wrote to the Claimant as follows:

[...]

*In your claim form one of your complaints is that you were unfairly dismissed.*

*Under section 108 of the Employment Rights Act 1996 claimants are not entitled to bring a complaint of unfair dismissal unless they were employed for two years or more except in certain specific circumstances which do not seem to apply in your case.*

*It appears from your claim that you were employed for less than two years. If so, the Tribunal cannot consider your complaint that you were unfairly dismissed.*

*As you do not appear to be entitled to bring that part of your claim an Employment Judge is proposing to strike it out. This does not affect the other complaints in your claim form.*

*You have until 03 March 2025 to give reasons in writing why your complaint of unfair dismissal should not be struck out.*

[...]

4. The Claimant did not respond and set out no basis for concluding that he was employed by the respondent for two years or more.
5. The claimant has failed to give an acceptable reason, despite being given the opportunity to do so, why the complaint should not be struck out.
6. Accordingly, the claim is struck out.

Approved by  
Employment Judge Woodhead  
Date: 2 June 2025

JUDGMENT SENT TO THE PARTIES ON  
19 June 2025 By Mr J McCormick

FOR THE TRIBUNAL OFFICE