



EMPLOYMENT TRIBUNALS

Claimant: Orren Burlison

Respondent: Blue Diamond UK limited

JUDGMENT – STRIKE OUT

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

2. On 17 April 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 24 April 2025 to give reasons in writing why your complaint of unfair dismissal should not be struck out. Meanwhile, the respondent has been told that no response to your unfair dismissal claim is necessary at this stage.”

3. The Claimant replied on 19 April 2025. It was clear from the Claimant’s reply that the Claimant alleges that their dismissal amounted to unlawful disability discrimination and that may proceed as a complaint of discrimination under the Equality Act 2010. However, the Claimant, given their length of service, set out no basis on which a complaint of unfair dismissal could be brought under the ERA nor did the Claimant explain any other basis for a claim of unfair dismissal under the ERA for which the length of service criterion does not apply.

Employment Judge Woodhead

Date: 2 June 2025

Sent to the parties on

12 August 2025

Jade Lobb

For the Tribunals Office

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Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>