



EMPLOYMENT TRIBUNALS

Claimant: Ms H Mayer

Respondent: Maximus UK Services Limited

JUDGMENT

1. The claimant's claim for unfair dismissal is struck out.
2. The claimant's claims for race discrimination and age discrimination are dismissed on withdrawal.
3. The claimant's claims for breach of contract and breach of statutory duty are struck out.

REASONS

Unfair dismissal

1. The claimant complains 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. The claimant was employed by the respondent for less than two years.
4. Therefore, the claimant is not entitled to bring these proceedings.
5. The claimant has not given any valid reason why the complaint should not be struck out.
6. Accordingly, the claim is struck out.

Race and age discrimination

7. At the beginning of the case management hearing the claimant confirmed that she was no longer claiming either race or age discrimination.

Breach of contract

- 8. Having explained to the claimant that the claim for breach of contract was a claim for money which was outstanding at the date of termination of employment, the claimant confirmed that her claim for breach of contract did not relate to a claim for money and therefore the Tribunal does not have jurisdiction to hear this claim.

Breach of statutory duty

- 9. In relation to the claim for breach of statutory duty, the claimant indicated that she was making a claim in relation to a request for flexible working. However, the claimant also confirmed that she did not in fact make a request for flexible working under section 80F of the Employment Rights Act 1996 (ERA).
- 10. Section 80H ERA only allows a complaint to an employment tribunal where an employee has made an application to their employer for flexible working under section 80F and that employer has failed to comply with the requirements for considering and dealing with that application or that the employer’s decision was based on incorrect facts.
- 11. Given that the claimant never made a request for flexible working under section 80F ERA, the respondent’s duty to deal with the request in particular ways was never engaged and therefore they cannot possibly have been in breach of their duty and therefore the Tribunal does not have jurisdiction to hear this claim.

Approved By:
Employment Judge Brewer
Date: 20 November 2025
Sent to the parties on
...17 December 2025.....
For the Employment Tribunal
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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>