



EMPLOYMENT TRIBUNALS

Claimant: E Hussain

Respondent: NETSPARKER LIMITED

JUDGMENT

The claim is struck out.

REASONS

1. The Tribunal wrote to the claimant on **15 September 2025** warning them that the Tribunal was considering striking out their unfair dismissal claim. This was because it appeared to the Tribunal, applying Rule 38 of the Employment Tribunal Procedure Rules 2024, that:
 - The claim had no reasonable prospect of success in that claimant had not at the date of dismissal worked for a continuous period of at least 2 years with the respondent. This is contrary to section 108 Employment Rights Act 1996.
2. The letter gave the claimant an opportunity to explain why the claim should not be struck out, or to request a hearing at which to do so. The claimant has replied and does not dispute that section 108 applies to his unfair dismissal complaint.
3. I am satisfied that the grounds for striking out the unfair dismissal claim under Rule 38 apply, and that it would be in accordance with the overriding objective in Rule 3 to strike out the claim. This is because the Tribunal does not have jurisdiction to hear this complaint as it has no reasonable prospects of success.
4. The complaint of unfair dismissal is therefore struck out.
5. The remaining complaints of disability discrimination and victimisation will continue and can be discussed at the preliminary hearing case management which will still take place on 11 May 2026 at 14:15pm.

Approved by:

Employment Judge Johnson

9 December 2025

JUDGMENT SENT TO THE PARTIES ON
25 February 2026

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FOR THE TRIBUNAL OFFICE