



EMPLOYMENT TRIBUNALS

Claimant: Jonathan Brown

Respondent: South Western Railway

JUDGMENT

The complaint of Unfair Dismissal is struck out.

REASONS

1. The Tribunal wrote to the Claimant on 4 December 2026 warning them that the Tribunal was considering striking out part of the claim. 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 did not seem to apply in your case.
2. The letter gave the Claimant an opportunity to explain why that part of the claim should not be struck out, or to request a hearing at which to do so. The Claimant's reply did not demonstrate that his claim came within the specific circumstances required for an unfair dismissal claim.
3. I am satisfied that the grounds for striking out that part of the claim under section 108 apply, and that it would be in accordance with the overriding objective in Rule 3 to strike out that part of the claim.
4. The complaint of Unfair Dismissal is therefore struck out. The rest of the claim is not affected by this judgment. The Claimant may still claim that his dismissal was discriminatory and/or an act of victimisation pursuant to the Equality Act 2010 but not that it was unfair pursuant to the Employment Rights Act 1996.

Approved by:
Employment Judge Self
10 April 2026

JUDGMENT SENT TO THE PARTIES ON
29 April 2026