



# THE EMPLOYMENT TRIBUNAL

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**SITTING AT:** LONDON SOUTH

**BETWEEN:**

**Mr R Smith**

**Claimant**

and

**Lookers Motor Group Ltd**

**Respondent**

## **JUDGMENT**

The claim of unfair dismissal is struck out. The hearing on 9 April 2019 is vacated.

### **REASONS**

1. On 22 October 2018 the claimant submitted to the Tribunal a claim of unfair dismissal. In his claim form he stated that his employment started on 1 March 2016 and ended on 20 June 2018.
2. On 19 December 2018 the respondent submitted a response form in which it stated that the claimant's employment started on 10 January 2018 and ended on 15 July 2018.
3. On 24 January 2019 the respondent applied to the Tribunal for the claim to be struck out because, inter-alia, the claim had no reasonable prospect of success. The respondent enclosed with its application copies of the respondent's letter to the claimant confirming an offer of employment to commence on 10 January 2018, a new starter form for the claimant confirming his date of commencement as 10 January 2018 and the claimant's contract of employment confirming that his employment will commence on 10 January 2018. The respondent therefore submitted that the claimant did not have the necessary to complete years' service in order to bring a claim of unfair dismissal. The respondent's application was copied to the claimant.
4. On 12 March 2019 the Tribunal, on my direction, wrote to the claimant

referring to the respondent's application to strike out his claim of unfair dismissal and asking for any comments on that application to be made in writing within seven days of the date of that letter. No reply has been received to that request.

5. In all the circumstances I conclude that the claimant did not have the necessary continuous employment in order to bring a claim of unfair dismissal, he has been put on notice of that and invited to make submissions otherwise which he has failed to do. In all the circumstances it is appropriate to strike out his claim.
6. The hearing listed for 9 April 2019 will not proceed.

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Employment Judge K Andrews  
Date: 26 March 2019