



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Caughter

**Respondent:** Ainsworth Lord Estates

## JUDGMENT

The claim and the proceedings are struck out.

## REASONS

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 failed to give an acceptable reason why the complaint should not be struck out. By email of 13 August 2020 he sought to argue that his claim should not be struck out, on the basis that as his selection for redundancy was unfair or unreasonable, he needs only to have one year's qualifying service to claim unfair dismissal.
6. This is , as a matter of law, incorrect. Section 108 of the Employment Rights Act 1996 requires an employee to have two years qualifying service for unfair dismissal, unless any automatically unfair reason applies (and none is alleged in this case), and has done since 6 April 2012 (not 2020, as indicated in the Tribunal's letter of 11 November 2020) Accordingly, the Unfair Dismissal claim is struck out, and, as that is the only claim made by the claimant, the proceedings are struck out.

Employment Judge Holmes  
Date: 16 November 2020

**Case no: 2408544/2020**

JUDGMENT SENT TO THE PARTIES ON

24 November 2020

FOR THE TRIBUNAL OFFICE