



EMPLOYMENT TRIBUNALS

Claimant: Mr Adam Knell

Respondent: Mr David Brooker

JUDGMENT

1. The complaint that the Claimant was unfairly dismissed is 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 such a complaint.
5. The Claimant relies on the Respondent's alleged failure to pay minimum wage. A failure to pay minimum wage may give rise to grounds to bring a claim for constructive dismissal, but it does not exclude the requirement to have not less than two years service to make an unfair dismissal complaint.
6. The Claimant has failed to give an acceptable reason, despite being given the opportunity to do so, why the complaint should not be struck out.
7. Accordingly, the complaint of unfair dismissal is struck out. The Claimant's other complaints are not affected by this judgment.

Employment Judge **D Wright**

Date__09 March 2023