



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss J Dunnill

**Respondent:** Routes Healthcare

## JUDGMENT

The complaint of **unfair dismissal** is struck out. This does not affect the complaint for unpaid accrued holidays brought under the Working Time Regulations.

## REASONS

1. By a letter dated 1 February 2024 the Tribunal gave the claimant an opportunity to make representations or to request a hearing, as to why the complaint of **unfair dismissal** should not be struck out because it:
  - has not been actively pursued and the claimant has not provide any information as to why the Tribunal has the jurisdiction to consider the complaint. 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 do not seem to apply in this case. The claimant was employed for less than two years and it is not an automatic unfair dismissal complaint, as a consequence the Tribunal cannot consider your complaint that you were unfairly dismissed.
2. The claimant has failed to make any sufficient representations, why this should not be done or to request a hearing. The complaint of unfair dismissal is therefore struck out.
3. The claimant's remaining claim for holiday pay remains listed for hearing **7 June 2024**.

### Case Management Orders

4. The parties will comply with the case management orders set out below;
  - 4.1 The parties will confirm to the Tribunal that the case management orders made on the 27 November 2023 have been complied with no later than 14 days of receiving this judgment.

4.2 The parties will agree a final hearing bundle which will be numbered on every page in the bottom right hand corner A copy of the bundle will be emailed by the respondent to the claimant no later than 8 March 2024.

4.3 Witness statements will be exchanged no later than 29 March 2024. The parties are ordered to exchange witness statements dealing with the holiday pay claim only that refers to the supporting documents exchanged.

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Employment Judge Shotter 13 February 2024

JUDGMENT SENT TO THE PARTIES ON  
26 February 2024

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FOR THE TRIBUNAL OFFICE