

THE INDUSTRIAL TRIBUNALS

CASE REF: 1864/19

CLAIMANT: Christopher Sidney Armstrong

RESPONDENT: A.P.S

DECISION ON A PRE-HEARING REVIEW

The unanimous decision of the tribunal is that the tribunal does not have jurisdiction to hear the case and the claimant's claim is therefore dismissed in its entirety.

CONSTITUTION OF TRIBUNAL

Employment Judge (sitting alone): Employment Judge Browne

APPEARANCES:

The claimant did not attend and was not represented.

The respondent was represented by Ms Hannah McGrath of O'Reilly Stewart Solicitors.

1. This Pre-Hearing Review was arranged to determine a preliminary point of jurisdiction, arising from the respondent's contention that the claimant did not have the requisite period of twelve months' continuous service to entitle him to bring his claim of unfair dismissal within the meaning of Article 126 of the Employment Rights (Northern Ireland) Order 1996.
2. The claimant did not attend the hearing, or contact the tribunal or respondent's representative seeking an adjournment; nor was he represented. I was satisfied from the information available that he was aware of the proceedings, and that it therefore was appropriate to proceed in his absence.
3. I further am satisfied from the available information that the claimant was employed by the respondent from 1 January 2018 until his dismissal on 12 December 2018 (which I find to be the effective date of termination).

4. The claimant therefore was not continuously employed by the respondent for the requisite period of twelve months, as required by Article 140 of the Employment Rights (Northern Ireland) Order 1996, which states:

“**140.—(1)** Article 126 does not apply to the dismissal of an employee unless he has been continuously employed for a period of not less than twelve months ending with the effective date of termination.”

5. I further am satisfied that nothing in the claimant’s claim for unfair dismissal falls within any of the statutory exceptions to Article 140.
6. The tribunal therefore does not have jurisdiction to hear the case, and the claimant’s claim is dismissed in its entirety.

Employment Judge:

Date and place of hearing: 8 May 2019, Belfast.

Date decision recorded in register and issued to parties: