



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr E Omali

**Respondent:** Howard Tenens Logistics Ltd

## JUDGMENT

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 and cannot therefore bring such a complaint.
4. The Claimant's response does not indicate a reason why the requirement for 2 years' service should not apply. Accordingly, the complaint of unfair dismissal is struck out.
5. The Claimant is, however, nevertheless able to argue that his dismissal was an act of discrimination. That claim is not affected by this judgment.

Employment Judge Livesey

Date: 13 January 2021

Judgment sent to parties: 20 January 2021

FOR THE TRIBUNAL OFFICE