



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

**AND**

**Respondent**

Mr A Gallagher

Depop Limited

## JUDGMENT

The whole of the claimant's claim is struck out under Rule 37(1)(a) of the Employment Tribunals Rules of Procedure 2013 (the Rules) as it has no reasonable prospect of success.

## REASONS

The claimant was warned by letter of 10 August 2023 that he needed to give reasons in writing by 24 August 2023 as to why his unfair dismissal claim should not be struck because he has less than the two years' service required by s 108 Employment Rights Act 1996 to bring that claim. He failed to respond.

The claimant also ticked boxes on his claim form indicating that he was claiming holiday pay, notice pay and other arrears of pay, but no particulars of those claims were given and, reading the claim form as a whole, it seems to me that the claimant's intent in ticking those boxes was to indicate that he was claiming compensation in respect of those matters if successful on his unfair dismissal claim as he does go on to set out the compensation that he is seeking for unfair dismissal. In other words, objectively construed, in my judgment, the claim form only contained a claim for the single claim of unfair dismissal that the Tribunal has no jurisdiction to determine.

If, however, I have overlooked or misunderstood the intent of the claim form in that regard, an application for reconsideration of this judgment may be made under Rules 70-73.

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Employment Judge Stout

29 September 2023

JUDGMENT SENT TO THE PARTIES ON

29/09/2023

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FOR THE TRIBUNAL OFFICE

**Where reasons were given orally at the hearing, written reasons will not be provided unless they are asked for by a request in writing presented by any party under Rule 62(3) within 14 days of the sending of this judgment.**