



EMPLOYMENT TRIBUNALS

Claimant

Mr W George

v

Respondent

Pieroth Limited

Heard at: Bury St Edmunds

On: 9 October 2018

Before: Employment Judge Laidler

Appearances

For the Claimant: In person

For the Respondent: Mr T Stedman, HR Director

JUDGMENT ON PRELIMINARY HEARING

The claim of breach of contract is struck out, on the grounds that it has no reasonable prospects of success.

REASONS

1. The ET1 in this matter was issued on 25 October 2017 and the parties advised that the only part of the claim accepted was that of breach of contract, the claimant not having sufficient length of service to bring an unfair dismissal claim.
2. There was a long history of correspondence on the file, not all of which appears to have reached the claimant due to difficulties with his email address. This culminated in this Employment Judge listing this preliminary hearing notice of which was sent to the parties on 10 August 2018.
3. The claimant had commenced employment on 25 September 2017 and was dismissed on 9 October 2017 but paid one week in lieu of notice. At this hearing he endeavoured to explained that he felt that this had been unfair and wished to pursue a claim for loss of earnings. It was explained to him, as it had been in correspondence, that as he did not have two years' service he could not bring a claim of unfair dismissal.

4. The claimant disputes that he was ever sent a contract of employment, as had been disclosed to the tribunal by the respondent in its letter of 28 February 2018. If that were the case, then applying the minimum periods of notice in Section 86 of the Employment Rights Act 1996, he would not have been entitled to any notice at all as he had not been working there for more than one month. In fact, and the claimant did not dispute, he was paid one week in lieu.
5. As there was no cause of action that had any reasonable prospect of success, the claimant agreed to abide by that decision of the tribunal that the claim be dismissed.
6. The claimant asked for his expenses of attending this hearing, but there were no circumstances in which any expenses could be ordered.

Employment Judge Laidler

Date: 23/10/2018

Sent to the parties on:

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For the Tribunal Office

