



EMPLOYMENT TRIBUNALS

Claimant: Mr S Richards

Respondent: John Lewis Partnership

JUDGMENT

1. The complaint that the claimant was unfairly dismissed is struck out.
2. The claim of disability discrimination is not affected by this judgment.

REASONS

1. The claimant complains of unfair dismissal and disability discrimination. The claimant should note that a claim of unfair dismissal and a claim of disability discrimination are different claims.
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.
4. Therefore the claimant is not entitled to bring a complaint of unfair dismissal.
5. I have taken account of the matters set out in the claimant's email of 18 June 2019. A strike out of the claim of unfair dismissal does not mean that the claimant is prevented from bringing a claim of disability discrimination.
6. In particular, a strike out of the claim of unfair dismissal does not prevent the claimant from asserting that his dismissal was an act of disability discrimination, whether directly or indirectly, or because of something arising from his disability or a failure to make reasonable adjustments. Thus the arguments set out in the claim form and the email of 18 June 2019 may still be advanced before the tribunal but as part of the claim of disability discrimination, not an unfair dismissal claim.
6. Accordingly, the complaint of unfair dismissal is struck out.
7. For the purposes of clarity, the claimant's other complaint of disability discrimination is not affected by this judgment.

Case No: 1402527/2019

Employment Judge **Dawson**

Date: 20 June 2019

Judgment sent to parties: 21 June 2019

FOR THE TRIBUNAL OFFICE