



EMPLOYMENT TRIBUNALS

Claimant:

Mr E Altamirano

v

Respondent:

Cherwell Boathouse Limited

Heard at:

Reading (by telephone)

On: 5 May 2020

Before:

Employment Judge Anstis

Appearances

For the Claimant:

No attendance or representation

For the Respondent:

Mr J Verdin

JUDGMENT

The claimant's claim of unfair dismissal is dismissed.

REASONS

1. On 13 November 2019 Employment Judge Gumbiti-Zimuto wrote to the parties under rule 27(1) giving his view that the claimant's claim of unfair dismissal appeared to have no reasonable prospects of success, because the claimant did not have sufficient length of service to bring such a claim.
2. The claimant provided written representations within the time allowed by that order, and this hearing was convened to determine (amongst other things) whether the claim should be struck out.
3. The claimant has not attended this hearing, but has submitted further written representations which I have taken into account. I do not consider it in the interests of justice to adjourn the hearing, as the claimant has said all he could say by way of his written representations.
4. It is not in dispute that the claimant worked for the respondent for less than two weeks. He does not have the two years' service necessary to bring an unfair dismissal claim. The only question is whether the claimant's claim is one of the special types of unfair dismissal claim for which such length of service is not required. There is nothing in the claimant's response to the rule 27(1) notice or his later written representations suggesting that his claim is one that can be brought without two years' service. Accordingly, it must be dismissed. This does not affect the remainder of his claim, and separate directions have been given in respect of this.

5. This has been a remote hearing. The form of remote hearing was A - audio. A face to face hearing was not held because it was not possible given Presidential Guidance and public health restrictions. The documents that I was referred to are those submitted by the claimant, together with the ET1 and ET3. The order made is described above.

Employment Judge Anstis

Date: 5 May 2020

Judgment and Reasons

Sent to the parties on: .05/06/2020

J Marlowe
For the Tribunal Office

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