



EMPLOYMENT TRIBUNALS

Claimant: Mrs Cynthia Jones

Respondents (1) Ecoclean Services Limited
(2) ESL South West Limited

Heard at: Cardiff **On:** 9th May 2017

Before: Employment Judge P Cadney

Members:

Representation:

Claimant: Written Representations

Respondent:

RECONSIDERATION JUDGMENT

The decision of the Tribunal is:-

- i) The original decision dismissing the claimant's claims as having been submitted out of time is confirmed.

REASONS

1. The claimant has sought a reconsideration of my earlier judgment in which I struck out the claimant's claims as being out of time.
2. The first point made by the claimant is that her initial contact with ACAS was in December 2015, whereas I have referred to ACAS Early Conciliation commencing on 15th March 2016. That fact was taken into consideration (see paragraph 4 of the Judgment) and the ACAS EC certificate clearly records the formal process as commencing on 15th

March 2016, so this is factually correct. The points that the claimant makes in the letter all relate to the failure of ACAS to correctly advise her as to the procedure for making a claim. This is not disputed as is set out in paragraph 9 of the Judgment, and my conclusions are set out at paragraphs 11 to 13. Those conclusions are based on the assumption that the claimant's account is correct and in reality the matters set out in the reconsideration application were all matters that were before me at the original hearing and are referred to in the judgment. There is in my view no new information contained in the reconsideration application that was not before the tribunal at the original hearing. As there is no new information there is no basis for revoking the original decision in respect of the involvement of ACAS.

3. For the sake of completeness the claimant makes one other point, referring to the remark as to the time limit for the alleged act of discrimination in paragraph 7. This is simply a reference to the fact that on the claimant's own case that occurred at some point before 10th December 2015 (perhaps as early as September) and that as time runs from the date of the act of discrimination the time limit is likely to have expired earlier than the 9th March 2016. In relying on the date of 10th December 2015 for both claims I was in fact making the most favourable assumption that could be made on the claimant's behalf. It does not provide any basis for reconsidering the decision.
4. It follows that I can see no basis for revoking my original decision.

Employment Judge P Cadney
Dated: 10 May 2017

JUDGMENT SENT TO THE PARTIES ON
11 May 2017

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS
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NOTE:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.