

# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

**Respondent**

Miss J Balu

AND

NHS Business Services  
Authority T/A Midlands and  
Lancashire Commissioning  
Support Unit

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL ON A PRELIMINARY HEARING

**HELD AT** Birmingham

**ON** 25 May 2018

**EMPLOYMENT JUDGE** Gilroy QC

### Representation

**For the Claimant:** No attendance or representation

**For the Respondent:** Miss C Jennings (Counsel)

## JUDGMENT

**The judgment of the Tribunal is that:**

- (1) The claim form in this matter, which was presented to the Tribunal on 10 August 2017, was presented “out of time” for the purposes of s.111(2) of the Employment Rights Act 1996, when read in conjunction with the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014.
- (2) It would have been reasonably practicable for the Claimant to have lodged the claim form by no later than 17 April 2017.
- (3) The Claimant having failed (i) to attend the Preliminary Hearing; (ii) to explain in advance that she would not be attending the Preliminary Hearing (and why), and (iii) to provide the Tribunal with adequate evidence as to why it had not been reasonably practicable for her to have lodged her claim form by no later than 17 April 2017, the Claimant’s claim of unfair dismissal is therefore dismissed.

**Employment Judge Gilroy QC**  
**25 May 2018**