



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE MARTIN

BETWEEN: Ms R Sahi Claimant
and

Mr Edward Collinge Respondent

ON: 13 December 2018

APPEARANCES:

For the Claimant: Did not attend

For the Respondent: In person

JUDGMENT

1. The decision of the Tribunal is that the Claimant's claim was brought outside the primary time limit (3 months) and the Tribunal does not have jurisdiction to hear it.
2. The Claimant's claim is struck out.

RESERVED REASONS

1. By a claim presented on 15 May 2018 the Claimant made a claim for breach of contract in relation to notice pay. The effective date of termination of her employment was 27 November 2017. The primary time limit therefore expired on 26 February 2018. By that time the Claimant should have contacted ACAS

- in order to present her claim. She did not contact ACAS until 5 April 2018 and the ACAS Early Conciliation Certificate was issued on 20 April 2018. As the Claimant had not contacted ACAS within the primary time limit there was no extended time period by virtue of the early conciliation process.
2. The Tribunal has discretion to extend time if it was not reasonably practicable for the claim to have been brought in time. As the Claimant did not attend, she did not give any reason why her claim could not have been brought in time. I therefore had no reason to exercise my discretion. The Claimant had been asked by the Tribunal on 31 July 2018 to indicate her position as to whether the claim was provided in time no later than 7 August 2018. There was no explanation provide by the Claimant. I am therefore satisfied that although she did not attend this hearing, she had an opportunity to state her position in writing previously, but failed to do so.
 3. I am aware that the Claimant requested a postponement of this hearing by email dated 1 December 2018. This was not drawn to the attention of a judge and no decision had been made on this application. There is no record of the Claimant contacting the Tribunal to find out if her application had been granted. I am also aware that the Claimant says she did not receive a copy of the Respondent's response. This was sent to her on 17 July 2018.

Employment Judge Martin
Date: 13 December 2018