



EMPLOYMENT TRIBUNALS

Claimant: Mr P Singh Jaswal

Respondent: Royal Mail

Before: Employment Judge O'Brien

JUDGMENT

The Claimant's application dated 10 April 2019 for reconsideration of the judgment sent to the parties on 28 March 2019 is refused.

REASONS

1 By email dated 10 April 2019, the Claimant submitted an application for reconsideration of the judgment sent to the parties on 28 March 2019 pursuant to rule 71 of the Employment Tribunal Rules of Procedure 2013.

2 The application was presented within 14 days of the written record of judgment having been sent to the parties and was copied to the Respondent.

3 In his application, the Claimant reasserts that the reason why his claim was submitted out of time was because he had been mentally unfit to do so in time. He recounts having suicidal thoughts and nearly having committed suicide, but recognises that neither was mentioned in the medical letter provided to the Tribunal.

4 The claimant indicates that he is happy to provide a further letter from his doctor and a copy of his medical records to show that he was unfit to submit his claim in time. However, he has provided no such evidence with the application. Neither has he explained why such evidence could not have been obtained in time for the preliminary hearing.

5 In any event, the claimant's mental health between dismissal and submitting his claim was taken into account when deciding that time should not be extended. It was noted that, while the claimant did produce some medical certificates in September/October 2018, he was able to correspond by email with his employer on 10 September, 12 October and 13 November 2018. The claimant was aware of his right to claim unfair dismissal in the Employment Tribunal at some point during his appeal against dismissal and, I found, could and should have asked his wife to research time

limits.

6 Furthermore, I found that the claimant's wife did not bring the claim on his behalf within a reasonable period after expiry of the primary time limit. No explanation has been given why the claimant's wife's promptness of action was influenced by the claimant's suicidal ideation.

7 Therefore, even if the claimant was able to provide evidence that he had suicidal thoughts and nearly committed suicide, he has no reasonable prospect of persuading me that that evidence should now be admitted, that it would in any event establish that it was not reasonably practicable for him to bring his claim in time, or that the claim was brought within a reasonable period thereafter.

8 The application is therefore refused on the grounds that there are no reasonable prospects of the judgment being varied or revoked.

Employment Judge O'Brien

1 May 2019