



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Sztandera  
**Respondent:** Harvard Technology Limited (In Administration)

## AT A HEARING

**Heard at:** Leeds                      **On:** 17<sup>th</sup> October 2019  
**Before:** Employment Judge Lancaster

### Representation

**Claimant:** Did not attend but submitted written representations  
**Respondent:** No appearance entered and did not attend

## JUDGMENT

1. The claim was presented on 1<sup>st</sup> May 2019, which was outside the 3-month period from 10<sup>th</sup> December 2018 as extended to allow for the “clock being stopped” during the 9 day nominal period of Early Conciliation. It was reasonably practicable to have submitted the claim in time by 18<sup>th</sup> March 2019, and in any event, it was not presented within a reasonable time after that date.
2. The claim for a protective award is dismissed.

## REASONS

1. The only record the tribunal has is of a claim submitted on 1<sup>st</sup> May 2019.
2. The Claimant says that he had submitted an earlier claim on 23<sup>rd</sup> January 2019 which was rejected because he had not included reference to his ACAS Early Conciliation certificate number.
3. The tribunal has no record of that earlier claim, but even if it had been rejected as the Claimant alleges he did not then rectify the defect by supplying details of his Early Conciliation number, which had in fact already been issued to him on 23<sup>rd</sup> January 2019 – the same date on which he says he had submitted his claim. There was no application to reinstate any rejected claim, the ET1 submitted by the Claimant on 1<sup>st</sup> May 2019 is an entirely new document.
4. The Claimant entered ACAS Early Conciliation on 14<sup>th</sup> January 2019. He was clearly, therefore aware of his potential right to make a claim to the tribunal.
5. The Claimant might have made a valid claim to the tribunal at any time after 23<sup>rd</sup> January 2019, and on his own account certainly could and should have done so after receiving notice of rejection. He does not say when he received that alleged notice but even allowing for the delays in the tribunal processing matters at this

Case: 1801951/2019

time, and of which I am otherwise aware, it will not – I am satisfied – have been later than around mid-March, which would still probably have afforded time for the claim to be presented in time.

6. By delaying the presentation of a valid claim with an early Conciliation number until 1<sup>st</sup> May 2019 the Claimant did not act reasonably promptly.

EMPLOYMENT JUDGE LANCASTER

DATE 17<sup>th</sup> October 2019

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