



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4107846/2019

Hearing Held at Dundee on 6th November 2019

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Employment Judge McFatridge

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Mrs T Frail

**Claimant
Not present or
represented**

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Dundee City Council

**Respondents
Represented by
Ms Anwar, Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The judgment of the Tribunal is that the claim be dismissed.

REASONS

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1. The claimant submitted a claim to the Tribunal that she had been unfairly dismissed by the respondents. The respondents submitted a response in which they made the preliminary point that the claim appeared to be time barred. The claimant stated that she had been dismissed and that the effective

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date of termination of employment was 23rd January 2019. She applied for ACAS conciliation on 9th April 2019 and the ACAS Certificate was issued on 26th April 2019. It therefore follows that the last date on which the claim could have been submitted timeously was 26th May 2019. The claim was not in fact submitted until 26th July 2017. A Preliminary Hearing was fixed in order for the claimant to show that it had not been reasonably practicable for her claim to be submitted within the initial three month period and that it had been submitted within a reasonable time thereafter.

2. At the date and time fixed for the hearing the respondent was present and ready to proceed. There was no appearance by or on behalf of the claimant. The clerk telephoned the claimant on the number she had provided. It went to voicemail. The clerk left a message for the claimant. The claimant did not respond and at 10.20 which was some 20 minutes after the hearing was due to start I commenced the hearing. The respondent moved that the claim be dismissed. I approached the matter in terms of rule 47 on the basis of the information available to me. The claimant refers in the ET1 to the fact that she was aware the claim had been submitted outwith the appropriate period. The onus would have been on the claimant to demonstrate that the Tribunal should extend time in terms of s 111 (2) (b) of the 1996 Act. I decided that in the absence of any appearance from the claimant it was appropriate for the claim to be dismissed

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Employment Judge:	Ian Mcfatridge
Date of Judgment:	08 November 2019
Date Sent to Parties:	08 November 2019

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