



## EMPLOYMENT TRIBUNALS

**Claimant**

Mrs. I. Simkuviene

v

**Respondent**

Diana Herskovits

### PRELIMINARY HEARING (OPEN)

**Heard at: London Central**

**On: 29 November 2019**

**Before: Employment Judge Mason**

**Representation:**

**Claimant: In person (assisted by Ms. Griciciute)**

**Respondent: no attendance**

### JUDGMENT

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

1. The Tribunal does not have jurisdiction to consider the Claimant's claim:
  - 1.1 It was not presented in time:
    - (i) The Claimant's employment ended on 3 August 2016, an Acas Early Conciliation Certificate was issued on 9 February 2017, this claim was not presented until 8 May 2019.
    - (ii) It is not just and equitable to extend time. The Claimant has not demonstrated that she was prevented from submitting a claim in time by reason of illness or otherwise. The Claimant cannot rely on any delay or negligence on the part of the Citizens Advice as this is ascribed to the Claimant.
  - 1.2 The provision of the Acas early conciliation scheme have not been complied with:
    - (i) The prospective Respondent named on the Acas Certificate is Esther Herskovits;
    - (ii) The Respondent named in the claim form is Diana Herskovits (deceased); and
    - (iii) The Claimant's employer was in fact Clear Lake Hotel Limited.
3. The Claimant's claim is therefore struck out, prior notice of possible strike out having been given by the Tribunal on 25 September 2019

**Note:**

Reasons having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions:

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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**Employment Judge Mason**

29 November 2019

Sent to the parties on:

3 December 2019

For the Tribunal Office