



EMPLOYMENT TRIBUNALS

Claimant: Mx Jonathan Bishop

Respondent: Secretary of State for Justice

Heard at: Pontypridd **On:** 23 September 2019

Before: Employment Judge R Powell (sitting alone)

Representation:
Claimant: Mx Bishop (in person)
Respondent: Mr Farrar (Counsel)

JUDGMENT having been sent to the parties on 17 November 2019 and reasons having been requested by Mx Bishop in accordance with Rule 62(3) of the Rules of Procedure 2013:

REASONS

1. This is the Judgment in a Preliminary Hearing which occurs consequent to an order of Employment Judge Beard when it was identified that there were three potential preliminary issues which were suitable for determination at a hearing such as this. They were as follows: (1) whether the claims had been presented in time and if not (2) whether it was just and equitable in accordance with section 123(1) of the Equality Act 2010 to extend time for presentation, if so then (3) whether or not the case was in part or in whole so weak that it might properly be struck out, or subject to a Deposit Order in accordance with Rules 37 – 39 of the 2013 Employment Tribunal Rules.
2. The parties have presented to me a common bundle of documents which runs to some 335 pages and a number of statements, the last of which, and most pertinent to the first application, is that prepared by Mx Bishop dated 4 September and provided to the Tribunal promptly but which, for

circumstances which are entirely unrelated to him, only arrived with myself and Mr. Farrar today. That is paginated at pages 336 to 340.

3. The character of the case can be dealt with by two initial sets of facts which are not contentious.
4. In 2018 Mx Bishop applied to become a member of the Lay Magistracy, he was interviewed for that position on 18 April of that year. We have in the Tribunal bundle from pages 40 through to 65 his application form, notes of the interview as recorded by a member of the panel and a separate set of handwritten notes of the same interview. Later the respondent sent a letter informing him that his application had been unsuccessful. It is at page 66, it is dated "May 2018". No-one is able to identify the date on which the decision was made or the precise date on which the letter was sent out or received, but it has been common ground that we should treat the last possible day in May 2018 as the effective date on which the decision was made; giving the benefit of any doubt to Mx Bishop.
5. Mx Bishop sought a review of that decision by letter of 20 June 2018 (pages 69 – 70 of the bundle). Attached to it was a detailed submission (pages 71 – 72), that contained an analysis of the characteristics or skills which were part of the formal appointment criteria considered by the panel and set out Mx Bishop's criticisms of the competence of the panel in their assessment of his interview performance.
6. The outcome of that review was provided to him on 8 July 2018. His complaint was not upheld.
7. It is common ground that Mx Bishop commenced Early Conciliation on 14 July 2018 and concluded that process on 8 August 2018. consequently, the period for presentation of a claim to the employment tribunal was extended until 30 September 2018.

Timely presentation of the claim

8. The second matter of fact which is agreed is the date of presentation.
9. It is agreed that the claim was presented to the Employment Tribunal on 18 February 2019 and that, for the purposes of section 123(1) of the Equality Act 2010, it was presented some four and a half months after the final date for timely presentation.

A Just and Equitable extension

10. The explanation for that delay, and the foundation for the application for a just and equitable extension, was first set out in an email of 9 April 2019 from Mx Bishop wherein he firstly requested an adjournment of a Preliminary Hearing set for 31 May 2019 to provide him with time to set out an explanation for why he took longer than normal to present the claim and he summarised it thus:

“I suffered a psychotic episode in 2017 which following a consultation with a neurologist in March 2019 is now established to be caused by hippocampal atrophy. I have had sick notes from my GP since 2017 limiting me to one legal case at a time, the most recent of today’s date is attached. I am presently engaged in a Judicial Review – R (Bishop) -v- DPP and SWP and as my legal support worker is on compassionate leave I do not have the capacity under the Mental Health Capacity Act 2005 to attend the hearing on 31 May and request it be postponed until the Judicial Review is complete and my support worker is available. Prior to the Judicial Review I was engaged in Bishop -v- CICA which is the Criminal Injuries Compensation Authority, and prior to that I was engaged in Bishop -v- The Information Commissioner’s Office”.

11. The witness statement of Mx Bishop in paragraph 1 reiterates, but in more detail and by reference to certain documents to which I will turn, the same history; that Mx Bishop was a voluntarily in patient of a psychiatric ward in a hospital between August and 25 October 2017 and the subsequent diagnosis and the prescription of medication associated with the eventual discovery of hippocampal atrophy. He then goes on to repeat that *“the Applicant was not able to submit the claim on time because he was directed by his GP to work on one case at a time and he followed the directions”.*

12. Paragraph 3 then goes on to identify that a number of medical certificates, to which I will turn, setting out the same condition over a substantial period of time. At paragraph 4 Mx Bishop goes on to reflect on the most recent medical note he had received and states that, by 21 August 2019, the GP’s medical certificate:

“...made no specific reference to limiting number of cases, simply reducing workload. Thus it has been possible this year for the Applicant to submit an in time Employment Tribunal case following receiving an Early Conciliation Certificate from ACAS and requesting an adjournment until after the hearing for F00PD420 which is to be heard on the first available date after 1 September 2019 (which in the case of the Applicant is 10 October 2019 at 15:00)”.

13. Mx Bishop then says, *“if the Applicant had not been suffering a deterioration in mental health between early 2017 and early 2019, he would have been able to submit the claim on time. A just and equitable extension of the Equality Act is thus requested.”*

14. There is a summary of Mx Bishop's thrice exceptional conditions; his high IQ, his learning difficulties and his neurological problems and reference to the fact that those conditions impair his short term and long-term memory and thereby his request for extension is justified.
15. The Respondent's position is that Mx Bishop has a disability and that that disability clearly has an adverse effect on his day to day activities defined in Section 6 of the Equality Act 2010.
16. The dispute has centred on the reliability and the cogency of Mx Bishop's explanation and how that should be assessed in respect of Section 123 of the Equality Act 2010. That section states:
 - (1) Subject to sections 140A and 140B proceedings on a complaint within section 120 may not be brought after the end of—
 - (a) the period of 3 months starting with the date of the act to which the complaint relates, or
 - (b) such other period as the employment tribunal thinks just and equitable.
17. The tribunal is empowered to grant an extension of time 'if, in all the circumstances of the case, it considers that it is just and equitable to do so', or according to some such formula. Where these words appear, the tribunal has a wide discretion to do what it thinks is just and equitable in the circumstances. It is entitled to take into account anything which it judges to be relevant': *Hutchison Westward Television Ltd* [1977] IRLR 69, EAT.
18. Notwithstanding the breadth of the discretion, it has been held that 'the time limits are exercised strictly in employment ... cases', and that there is no presumption that a tribunal should exercise its discretion to extend time on the 'just and equitable' ground unless it can justify failure to exercise the discretion; as the onus is always on the claimant to convince the tribunal that it is just and equitable to extend time, 'the exercise of discretion is the exception rather than the rule' (*Robertson v Bexley Community Centre* [2003] IRLR 434, at para 25, per Auld LJ); *Department of Constitutional Affairs v Jones*, [2008] IRLR 128, at paras 14–15, per Pill LJ).
19. In *Abertawe Bro Morgannwg University Local Health Board v Morgan* UKEAT/0305/13 (18 February 2014, unreported), a litigant can hardly hope to satisfy that burden unless he provides an answer to two questions (para 52):

"The first question in deciding whether to extend time is why it is that the primary time limit has not been met; and insofar as it is distinct the second is [the] reason why after the expiry of the primary time limit the claim was not brought sooner than it was."

20. The discretion to grant an extension of time under the 'just and equitable' formula has been held to be as wide as that given to the civil courts by [s 33](#) of the Limitation Act 1980 to determine whether to extend time in personal injury actions (*British Coal Corporation v Keeble, DPP v Marshall*, above). Under that section the court is required to consider the prejudice which each party would suffer as a result of granting or refusing an extension, and to have regard to all the other circumstances, in particular: (a) the length of and reasons for the delay; (b) the extent to which the cogency of the evidence is likely to be affected by the delay; (c) the extent to which the party sued had co-operated with any requests for information; (d) the promptness with which the claimant acted once he or she knew of the facts giving rise to the cause of action; and (e) the steps taken by the claimant to obtain appropriate professional advice once he or she knew of the possibility of taking action (see *British Coal Corp v Keeble* [1997] IRLR 336, at para 8). However, although, in the context of the 'just and equitable' formula, these factors will frequently serve as a useful checklist, there is no legal requirement on a tribunal to go through such a list in every case, 'provided of course that no significant factor has been left out of account by the employment tribunal in exercising its discretion' (*Southwark London Borough v Afolabi* [2003] EWCA Civ 15).

21. When considering whether to grant an extension of time under the 'just and equitable' principles, the fault of the claimant is a relevant factor to be taken into account, as it is under [s 33](#) of the Limitation Act 1980 (*Virdi v Commissioner of Police of the Metropolis* [2007] IRLR 24, EAT).

22. In *Edomobi v La Retraite RC Girls School* [UKEAT/0180/16](#) (15 November 2016, unreported), Laing J stated:

"I find it difficult to see how a claimant can discharge the burden of showing that it is just and equitable to extend time if he or she simply does not explain the delay, nor do I understand the supposed distinction in principle between a case in which the claimant does not explain the delay and a case where he or she does so but is disbelieved. In neither case, in my judgment, is there material on which the tribunal can exercise its discretion to extend time. If there is no explanation for the delay, it is hard to see how the supposedly strong merits of a claim can rescue a claimant from the consequences of any delay."

23. Before turning to the second part of the chronology I will note some relevant aspects of the professional and academic character of Mx Bishop.

24. Mx Bishop's academic and professional qualifications were set out in the bundle [46] from which I will state examples. He holds three master's degrees, one in economics and social studies in information systems, one

in science and e-learning and another in the laws in European Union. He holds a Bachelor of Science in multi-media studies and several diplomas.

25. He is a chartered IT professional, a chartered librarian and information professional, he is a fellow of several institutes including the Institute of Administrative Management, the Royal Society for the Advancement of Arts, Manufacturing and Commerce and the Royal Anthropological Society.
26. He is a member of a number of associations including that of Forensic Linguistics, Applied Linguistics, Engineering and Technology, the Institute of Public Relations, the Institute of Journalists, the National Union of Journalists and the Chartered Institute of Environmental Health.
27. He has a number of further qualifications including a post graduate certificate in education.
28. In his application for the role [47] he described his career at the relevant time, as being the Chief Executive of the Crochelles Community Media Group, Managing Director of an associated company, President and part CEO of an American company, Director of Jonathan Bishop Limited and Director of Crochelles Sport and Fitness Limited. He also describes undertaking the role of "legal scholar and in-house counsel" [50].
29. He describes his work, inter alia, as follows;

"Attending County and Criminal Courts and reporting cases from them on line. Looking for Court cases in the media relating to technology and re-reporting these, requesting Court and police records and analysing the same for research and news reporting, helping people who attended a Court to get their message across through the use of the media, helping them work through the experience to reduce the chance of them attending Court again, as in-house Counsel I prepare Court papers, either oral or paper decisions as a de facto litigant in person acting on behalf of the firm".
30. He goes on to say that he presents written expert reports for use in court as an expert witness, he says:

"being an anthropologist, I am very interested in people and each time I attend Court whether Magistrates, Crown, County or High Court I usually think I could have done a better job. I am currently a Parish Counsellor for Cam East or Cam Parish Council, Gloucester where I am Vice-Chair of a sub-committee.
31. He lists that he had, inter alia, been a Community Councilor in Taffs Wells, a trainee adviser in Rhondda Cwm Taf Citizens' Advice Bureau and a Community Councilor in Llantwit Fardre Community Council.

32. He also states he has written public policy papers on how he thinks the Court system should work better and the single justice procedure [51]. He also states that he has written research papers and speeches relating to legal matters, and as I have discussed with him, I am aware that he has published or co-authored a number of books through a business called IGI and more recently this year, two or three papers (which are referenced within the documents before me). Mx Bishop has referred to specific titles of at least three papers which expressly relate to the functioning and reform of the judicial and courts system in the United Kingdom.
33. Mx Bishop has also produced a series of documents which begin at page 184 of the bundle, they are related to applications or references for Student Finance Wales and the pertinent part of each of these are statements by qualified medical practitioners.
34. The first refers to “the student”, but is undoubtedly describing Mx Bishop. It records that in 2017 there had been a diagnosis of a sleep disorder the details of which I have noted but which I need not set out. I have read them and accept them.
35. The next relates to a combination of diagnoses including dyslexia, dysgraphia, dyscalculia representing mild parietal dysfunction. Again, no challenge is made to these medical judgments. In the subsequent paragraph is a reference to the condition which is perhaps most pertinent in this discussion and Mx Bishop’s evidence: hippocampal atrophy (resulting from hippocampal resection to cure epilepsy) and a history of two brief psychotic episodes.
36. There is also a statement confirming Mx Bishop has Irlen Syndrome and, at page 19, a short description of the effects of this visual perception problem.
37. The last of these documents relates to Mx Bishop’s Autism Spectrum Disorder (DSM V) which states as follows,
- “in social situations difficult; consciously works out the roles of social situations; gets so strongly absorbed in one thing that loses sight of other things; tends to have very strong interests which gets (sic) upset about if can’t pursue; collects information, categories of things; gets upset if daily routine is disturbed; tends to notice details that others do not; notices patterns in things all the time; fascinated by numbers”*
38. All of which I consider is consistent and corroborative of Mx Bishop’s own evidence in his statement before me today and to some degree reflecting his “victim’s statement” [pages 76-78].

39. The starting point in terms of Mx Bishop's application is found at page 225 which is a letter dated 9 April 2019 from Mx Bishop's General Practitioner which states that Mx Bishop was admitted, voluntarily, on 16 August 2017 to a psychiatric ward for treatment. He was admitted due to an acute psychotic episode which was felt to have been an exacerbation of his circadian sleep disorder and autism spectrum disorder.
40. He was discharged on 25 October 2017, subsequently seen a number of psychiatrists in the community and, after a period of stability, the decision was taken that he no longer required a key worker to provide additional support from the community mental health team. There is reference to being "under outpatient clinic" and follow up from a psychiatrist although, in the course of submissions, Mx Bishop qualified the extent to which that had actually occurred.
41. I next take into account a series MED3 certificates in the bundle although I think more properly, they are now known as fitness certificates.
42. The first is dated 26 October 2017; the day after Mx Bishop had been discharged and it refers to Mx Bishop being unfit for work on 16 August and states as a rationale; autistic spectrum disorder, circadian sleep disorder, Irlen Syndrome, recent deterioration in mental health requiring in-patient admission and regular follow-up as such not in a position to continue with studies during this period.
43. The next certificate dated 17 November 2017 covered a period of 6 months and therefore ran until May 2018. It makes a similar assessment but qualifies it with this opinion of Mx Bishop:
- "[He] is able to work now, but in a reduced capacity and has therefore agreed a phased return with his employer and associates".*
44. By 15 June 2018 Mx Bishop is described as may be fit for work taking account of the following advice:
- "recovering from brief psychotic episode restrict legal duties to one case at a time".*
45. There is a variation in the next note which is dated 30 July 2018 but it retains the same point which was identified in Mx Bishop's statement for this hearing;
- "restrict legal duties to one case at a time and also suggest restricting accounting duties."*

46. The next certificate which covered the period from 17 December 2018 to 3 June 2019 also expressed the same restriction or recommendation [231].
47. A further certificate [232], dated 25 January 2019, for the period from the 1 January 2019 through to 28 February 2019 advised that Mx Bishop was:
- “recovering from brief psychotic episode restrict accounting, legal research and studying to prevent relapse”.*
48. The next certificate which was issued on the 9 April 2019 stated; “restricted workload needed, one legal case at a time and assignment at a time”. Assignment is a reference, which I understand from the submissions of Mx Bishop, to his ongoing academic career.
49. There was then one further certificate which is somewhat after the period with which I am concerned, dated 4 July 2019, which references a restricted workload needed to be negotiated with his employer, university and adaptations for social and other communications to be negotiated. I am aware that Mx Bishop has provided a further certificate, but the primary concern of the Tribunal is the period between 1 October 2019 and the date on which the claim was presented, so I note the other matters but they are not of the foremost relevance.
50. Mx Bishop clarified in his submissions that the reference to one legal duty at a time was not a reference that he should see a set of proceedings through to finality before addressing another, rather he should not try to simultaneously take on more than one task, be it preparing a witness statement, pleadings or any other matter that might be directed by a court, or otherwise necessary for his litigation purposes.
51. In the course of discussion, Mx Bishop’s lay magistrate application form [52, section 9] was reviewed because Mx Bishop had stated in his 9 April 2019 email that, prior to presenting his claim on 18th February 2019, there were two other litigation case in which he had been engaged. This led to an enquiry as to when and how he had been involved, in one way or another, in litigation.
52. In the application form [52] he responded “yes” to the question “Are you involved in any of the proceedings referred to at Appendix D, Section 1 – “Involvement in Current Proceedings”.
53. The first case he identified, was his claim against the Office for the Independent Adjudicator for Higher Education, the second was acting on behalf of one of his companies against the Charity Commission, the third was against BUPA in his personal capacity, the fourth was on behalf of one of his companies against the Information Commissioner’s Office and the

fifth was on behalf of one of his companies against the Ecclesiastical Insurance Office plc.

54. Based on Mx Bishop's account, three of the above cases were undoubtedly resolved prior to Mx Bishop's illness in August 2017 and two which on first blush appeared to have been resolved, were either stayed or had been determined but Mx Bishop intended to make a late application for an appeal.
55. We then turned to documents which Mx Bishop had presented in the bundle which are aspects of pleadings and notices relating to additional cases in which he was a party. The documents evidence the following:
56. A notice from the Cardiff Magistrates Court of a trial listed to take place on 27 November 2018 in which it is apparent that Mx Bishop was making an application to discharge a Restraining Order made against him on 4 October 2013 by the Cardiff Magistrates Court in accordance with Section 54 of the Protection from Harassment Act 1997.
57. An application against Mr. Dereck Allinson and Taffs Well Community Council dated the 27th March 2019 [240].
58. A judgment striking out a claim brought against Doctor Mike Reddy dated 10th April 2019 [236].
59. A judgment adjourning Mx Bishop's application for an interim injunction against Mr. Allinson and the council until the 19 May 2019 [239].
60. The commencement of proceedings against the Reverend Peter Lewis and The Parish of Pontypridd [242/243] on 21 June 2019.
61. Mx Bishop also spoke of the degree to which some cases had not yet completed; a Judicial Review application or case stated in the High Court relating into the Cardiff Magistrates refusal to discharge the aforesaid Restraining Order and application for Judicial Review in relation to Criminal Injuries Authority.
62. In all, Mx Bishop confirmed that he had nine cases which were active or were, pending his action in the very near future, ones he intended to commenced or reinvigorate.
63. From the above I note that:

In the period between 1 October 2018 and 18 February 2019 Mx Bishop was managing a number of pieces of litigation.

In the period from March 2019 to date he has managed several claims alongside this application to the Employment Tribunal.

64. The next point I note is the other tasks Mx Bishop was engaged in at the material time.
65. He indicated that he was not effectively running the business on a commercial basis because, due to his 2017 illness, there had been a delay in completing his accounts and it was the case that he was only able to provide his prepared accounting documents to his accountant for filing on the very last day and that itself had produced further difficulties in potential litigation.
66. He also indicated that in the relevant period, alongside the litigation, he had been simultaneously undertaking two part-time doctoral courses, the one by publication and the other by thesis.
67. He described that, partly in due of the effects of his conditions, that he suffered on occasions from hypergraphia and that for instance, he had written an assignment which was substantially longer than was allowed and had to use a forensic approach to reduce it, but that which he had edited from the paper had left him with the body of a potential chapter for another book.
68. The academic, commercial and litigation activities noted above took place in the same personal circumstances as Mx Bishop describes in his statement and form the rationale for his argument that it was not reasonable for him to have presented his Tribunal claim before 18 February 2019.
69. I turn then to the **Keeble** criteria. The first of those is how quickly Mx Bishop presented his claim after he became aware of the facts. In this case Mx Bishop's letter appealing the decision to reject his application, dated 20 June 2018 demonstrates that the facts which he later set out in his ET1 were known to him in June 2018.
70. The next is the consideration to the extent to which the Respondent, on request for information, delayed and thereby may have impeded Mx Bishop presenting the claim in a timely fashion. That is not a matter to which any reference has been made to me with respect to the submission of the Tribunal claim.
71. The next, which has concerned the parties, is the question of prejudice. In this case there is the obvious prejudice to a claimant if the claim were not allowed to proceed; he will lose his opportunity for a remedy by a declaration and by compensation.

72. I am also satisfied, looking at the available documentation, there appears to be minimal contemporaneous notes of the events, of which I have both sets. Mx Bishop's case disputes the adequacy and accuracy of these notes, and whilst he is clear on his account of event there is a risk that other recollections will have faded. There appears to be potential forensic prejudice against the respondent. For these reasons I am of the opinion there is prejudice to both sides, the greater prejudice lying against the respondent.
73. Turning then to the merits of the claims. The Claim has raised two protected characteristics, the first which has been addressed is that of disability and that is conceded, the second is that the Respondent discriminated on the grounds of Mx Bishop's political beliefs.
74. The pleading sets out something other than Mx Bishop's political or philosophical belief. I give an example, referring to the panel who rejected Mx Bishop's application to become a Magistrate: "They said my peer reviewed policies on police reform were anti-police. They said my peer reviewed policies on judicial reform showed disdain for the magistracy. They said my support for the US government's decision to drop a MoaB [mother of all bombs] on a mountain in Afghanistan where ISIS were building weapons to use against innocent people was not sound judgment". Mx Bishop then gives two further examples and concludes that: "All of the above policies are political in nature and should not have been the basis to deny me serving as a Justice of the Peace".
75. The Respondent's pleading asserts it is unclear whether the pleaded "belief" case would amount to something which falls within the Protection of the Equality Act. I agree that is a moot point.
76. It was drawn to my attention that the Restraining Order imposed by the Cardiff Magistrates in 2013 was not a matter which Mx Bishop had declared on his application form to become a Magistrate. The Respondent argues that a tribunal will need to consider the reaction of the Ministry of Justice to an application which had disclosed such an order or perhaps worse still, if it became apparent that Mx Bishop had failed to be forthright in respect of his disclosure. I accept that is a highly material consideration but that will be a question of fact which that would be a decision of a full Tribunal.

With regard to the claim on the grounds of disability, the character of the case has been set out by Mx Bishop in the ET1 and in a Schedule which was attached to his victim statement. In that Schedule the claims are characterised as indirect discrimination or discrimination arising from disability; Sections 15 and 19 of the Equality Act 2010.

77. I have had considerable discussion with the parties and listened to considerable submissions on this. I do not intend to go through them in detail. I will say Mx Bishop's case is arguable. But it is not apparent that the Respondent is going to have difficulty defending the claim.

Conclusions

78. I then return to the pleading and Mx Bishop's date of knowledge of the pertinent facts of his case. Mx Bishop evidently had a sound knowledge of the facts within the primary time limit. I have undertaken a comparison between the content of the ET1 and Mx Bishop's case presented to the Respondent by the letter dated 20 June 2018 [69 onwards]. In my Judgment the letter of June 2018 provided more detail than the February 2019 pleading does.

79. That is not a criticism, but my decision is this; that all that Mx Bishop needed to do, in terms of formulating a written document to plead his case was complete by the 20 June 2018 because the claim form and that letter contained the same character of allegations, not in identical wording, but nevertheless they do set out the same allegations.

80. In my Judgment Mx Bishop had all the necessary information, and the ability to communicate that information to a third party, such as the employment tribunal, as of the 20 June 2018.

81. The next step Mx Bishop needed to do was to go through the preliminary processes which are mandatory for presenting a claim. This Mx Bishop did; the conciliation period was between 14 July and 8 August 2018.

82. Mx Bishop's primary explanation is of course reliance on the medical advice. I have noted that medical advice, as set out above, and I have noted that the same medical advice was still pertinent between March and June 2019 [233,234]. In that subsequent period Mx Bishop was certainly able to commence and managing more than one active form of litigation, including this claim.

83. Allowing for Mx Bishop's need to limit himself to one litigation task at a time, he was evidently able to prioritise compliance with Early Conciliation process in that period, and he had formulated a written statement of his case. The additional task he needed to undertake was the completion of the ET1 form, annexing his statement of case and submitting them to the employment tribunal on or before the 30th September 2018.

84. I do not dispute the medical evidence or the effects Mx Bishop describes, but in the months subsequent to 25th October 2017 Mx Bishop was able to involve himself with research and study at doctorate level, the presentation and preparation of other court cases alongside the aforesaid steps pertinent to this claim.
85. There is nothing in the medical records, or Mx Bishop's description of the effects of his disability, which indicates that he was unable to find the time, lacked the intellectual, emotional or physical capacity or the opportunity to have completed the process of bring this claim, the key steps of which he had completed by 8 August 2018, substantially before the 18 February 2019.
86. In fact, it is not evident why it could reasonably not have been presented on or before 30 September 2018.
87. For these reasons, applying the guidance in *Abertawe Bro Morgannwg University Local Health Board v Morgan* and *Edomobi v La Re traite RC Girls School*, I find that Mx Bishop has not discharged the burden upon him to persuade me that I should exercise my discretion in his favour to extend time largely because I do not accept that the account he has given me supports a conclusion his medical conditions or the medical advice inhibit him from presenting the claim by the 30th September 2018 still less why it was not present earlier than the 18th February 2019.
88. For these reasons I do not extend time and the Judgment of the Tribunal is that the claim is out of time and is dismissed.

Employment Judge R Powell
Dated: 31st December 2019

REASONS SENT TO THE PARTIES ON

.....5 January 2020.....

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS