



# THE EMPLOYMENT TRIBUNAL

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**SITTING AT:** LONDON SOUTH

**BEFORE:** EMPLOYMENT JUDGE J BLACKWELL (sitting alone)

**BETWEEN:**

**Claimant**

**MR E MONTENEGRO**

**AND**

**Respondent**

**AMITY COLLEGE LIMITED**

**ON:** 28 November 2019

**APPEARANCES:**

**For the Claimant:** In Person

**For the Respondent:** Ms Glynis Duffy, Consultant

## JUDGMENT

**The Judgment of the Employment Tribunal is that:-**

1. The Tribunal does not have jurisdiction to hear Mr Montenegro's claim and it is therefore dismissed.

## REASONS

1. Section 23 of the Employment Rights Act 1996 requires any claim in respect of unlawful deduction from wages to be brought within three months of the last non-payment of wages. The very last date that can be in respect of Mr Montenegro given that he left his employment on 28 September 2018 is that date. Time begins to run from that date and

expired on the 27 December 2018. However, sub-section 4 of the same section requires it to have been reasonably practicable for Mr Montenegro to bring his claim. He told me, and I accept, that he was paid late throughout his period of employment between January 2017 and the 28 September 2018. He also tells me, and I accept, that he approached Mr Michaels about non-payment on at least three occasions the last, however, being in February of this year 2019. However, the claim form was not presented until 12 February 2019 and Mr Montenegro is therefore some five weeks out of time. He also conceded that he knew that there was a time limit. I regret therefore that I can only draw the conclusion that it was reasonably practicable to bring the claim and therefore I have no jurisdiction to hear it.

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Employment Judge Blackwell

Date: 28 November 2019

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