



EMPLOYMENT TRIBUNALS

Claimant
Mr A Ebid

v

Respondent
Nicola Jesus

Heard at: Central London Employment Tribunal On: 28 September 2020
Before: Employment Judge Norris, sitting alone (via CVP)

JUDGMENT

Neither party having attended the Hearing or having given reasons why they were unable to do so, the claim is struck out because the Tribunal does not have jurisdiction to hear it.

REASONS

1. The Claimant submitted his claim form on 15 May 2020. He claims arrears of pay in an unspecified amount and for an unspecified period. No ET3 was lodged by or on behalf of the Respondent. Neither party has corresponded with the Tribunal by any method since the claim was submitted.
2. In the claim form, the Claimant indicates that his employment terminated on 18 December 2019. He had until 17 March 2020 to contact ACAS and enter Early Conciliation ("EC").
3. According to the EC certificate number given on the claim form, the Claimant did not enter EC until 7 April 2020, meaning that his claim is, on the face of it, out of time.
4. The Hearing was originally listed for 11.00 on 28 September 2020. On 25 September, the parties were sent instructions for how to access the Hearing and notified that it would now take place by CVP at 14.00. There was no application for a postponement. Nonetheless, neither party attended the Hearing at either 11.00 or 14.00, nor did they send in any written submissions or reason for their non-attendance.
5. I considered that it was appropriate, in the circumstances and in accordance with Rule 47 Schedule 1 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, to proceed with the Hearing in the absence of the parties.
6. The Claimant has not given any explanation for the delay in contacting ACAS.

It is for a prospective claimant to show that it was not reasonably practicable for them to submit their claim in time and that it was submitted within a reasonable period thereafter (section 111(2) Employment Rights Act 1996). The Claimant in this case has not produced any evidence to support an argument under section 111(2).

7. In the circumstances, the Tribunal does not have jurisdiction to hear the claim, which is accordingly struck out.

Employment Judge Norris
Date: 28 September 2020

JUDGMENT SENT TO THE PARTIES ON

29/09/2020

FOR THE TRIBUNAL OFFICE