



EMPLOYMENT TRIBUNALS

Claimant: Mr A Rocha

Respondent: Bruno Saverio

Heard at: Leeds **On:** 14 January 2021

Before: Employment Judge Cox

Representation:

Claimant: Did not attend and was not represented

Respondent: Did not attend and was not represented

JUDGMENT

This claim for damages for failure to give notice of termination of employment fails and is dismissed.

REASONS

1. Mr Rocha brought a claim alleging that his former employer, the Respondent, had unfairly dismissed him and owed him notice pay. The Respondent did not enter a response to the claim. The claim of unfair dismissal was nevertheless dismissed because Mr Rocha did not have the two years' service with the Respondent that he needed to qualify to bring that claim.
2. At the Hearing of his claim for notice pay, Mr Rocha failed to attend. He could not, therefore, explain why his claim had not been presented to the Tribunal until 4 September 2020, even though his employment with the Respondent

ended on 17 March 2020. There is a three-month time limit for bringing a claim for notice pay. Even taking into account the one-month extension for early conciliation by ACAS, Mr Rocha had presented his claim five weeks out of time. A Tribunal can hear a late claim, but only if it is satisfied that it was not reasonably practicable for the claim to have been brought within three months and that it has been brought within a further reasonable period.

3. In the absence of any evidence from Mr Rocha about these matters, the Tribunal concluded that it had no power to hear his claim because it had been brought out of time and dismissed it.

Employment Judge Cox
Date: 14 January 2021