



EMPLOYMENT TRIBUNALS

Claimant: Mr A Miah

Respondent: JISC

JUDGMENT

The claimant's application dated 22 February 2021 for reconsideration of the judgment sent to the parties on 11 February 2021 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked, because the issues raised by the claimant in his request for a reconsideration of the judgment do not affect my determination that it would not be just and equitable to extend the time limit for lodging the claim.
2. In particular, it is not relevant to my determination when the claimant knew he had a disability. He was aware of the prospect of bringing a tribunal claim and had commenced ACAS early conciliation. If he is correct that he was aware at an early stage he had a disability and had a potential claim for failure to make a reasonable adjustment, then his delay in submitting the reasonable adjustments claim, when he had been told he was already out of time is such that it would not be just and equitable to allow the claim to be submitted a year late.
3. The claimant relies on legal advice which implied that the last date for presenting his claim arising from dismissal was earlier than it, in fact, was. He was aware that there was an option to present the claim late and request an extension on just and equitable grounds. He could have submitted the claim within the time limit he was able to comply with and make a request for an extension of time. At that point, the claim would not actually have been late but, in the claimant's understanding, would have been late by a few weeks. In the event, he submitted his claim nearly a year late.
4. In any event, I do not accept the claimant's position that he was put at a disadvantage due to incorrect legal advice. He had been given the correct legal advice. A subsequent notification of the usual period for submission after the end of early conciliation suggested that the claimant took further advice in relation to his own situation. He failed to do so but, in fact, had already received the relevant advice in another letter.

5. I do not accept that the claimant was unable to put together and present his claim due to his ill-health at the relevant time. He was able to submit detailed and full reasoned representations regarding the funding of his claim and he failed to explain how was able to do this but not submit his employment tribunal claim.
6. I have considered the merits of this case alone and I do not consider that it is necessary for me to consider the injustice caused to other potential claimants who are unable to present their claims due to disability.
7. The claimant has listed a series of authorities where claimants were successful in appealing against a tribunal finding that they were out of time. He has failed to show the relevance of these authorities to his particular circumstances.
8. He also relies on authorities regarding the striking out of discrimination claims. This judgment is about time limits, not striking out as having no reasonable prospect of success and therefore these authorities are not on point.
9. The tribunal limit is strict and the burden is on the claimant to show why it would be just and equitable to extend time. In this case, the claimant presented his claim nearly a year after the expiry of the time limit on dismissal and well over a year after the expiry of the time limit on reasonable adjustments and, in my judgment, he has failed to show why time should be extended on just and equitable grounds.

Employment Judge Davidson
Date 3 August 2021 London Central

JUDGMENT SENT TO THE PARTIES ON
.03/08/2021

FOR EMPLOYMENT TRIBUNALS