



## EMPLOYMENT TRIBUNALS

**Claimant**  
Mr T Ciuffini

v

**Respondent**  
Royal Mail Group Limited

### JUDGMENT OF THE EMPLOYMENT TRIBUNAL OPEN PRELIMINARY HEARING

**Heard at:** Birmingham  
(Remotely by CVP)

**On:** 5 February 2021

**Before:** Employment Judge Lloyd

#### Appearances

**For the Claimant:** In person

**For the Respondent:** Ms S Lewis, Solicitor

### JUDGMENT

I strike out and dismiss forthwith the claimant's claims of constructive unfair dismissal and for a statutory redundancy payment in their entirety, on the grounds that,

- a) The claimant's constructive unfair dismissal claim was presented out of time and he has not discharged his burden of proof to show that it was not reasonably practicable to have presented the claim within the prescribed time limit; having regard to Section 111(2)(a) & (b) of the Employment Rights Act 1996.
- b) The claimant's claim for a statutory redundancy payment is struck out under rule 37(1)(a) of the Tribunal Rules of Procedure on the grounds that it has no reasonable prospect of success; and
- c) The claimant's redundancy payment claim does not meet any of the provisions of s.164 of the Employment Rights Act 1996 in relation to timeliness of application.<sup>1</sup>

Employment Judge B Lloyd  
05 February 2021

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<sup>1</sup> Section 164(1), (2)(a), (b) & (c) and (3)(a) & (b) ERA 1996; "Claims for redundancy payment"