



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms M Feraj

**Respondent:** Absolute Care (NW) Limited

## JUDGMENT

The claim is struck out as it was not brought in time.

## REASONS

1. By a letter dated 16 February 2022 the Tribunal gave the claimant an opportunity to make representations or to request a hearing, as to why the claim should not be struck out because it was brought out of time. The letter explained that the claimant would need to show why it was not reasonably practicable for her to have brought her claim in time and that she had brought it within a reasonable period.

2. The claimant wrote to the Tribunal in an undated letter received on 9 March 2022. She failed to make any sufficient representations as to why the claim should not be struck out. She did not request a hearing. A hearing was listed for today and notice sent to the parties at the addresses they had provided. The respondent attended, the claimant did not. Efforts were made to contact the claimant but she did not respond.

3. A timeline was considered using the alternate dates put forward for the termination of employment of 16 February 2021 ( the date the claimant gave in the Claim Form) and 10 June 2021 (the date the respondent says she resigned and the date it put on the P45). The claimant went to ACAS on 12 August 2021 and achieved her certificate on 23 September 2021. She brought her claim for unfair dismissal, a redundancy payment and public interest disclosure on 16 January 2022.

4. By her own account in the Claim Form and letter she did not contact ACAS in time. She would have had to have contacted them within three months of the 16 February 2021 and she did not do that. On the respondent's account she contacted ACAS in time but did not then bring her claim within a month of the

ACAS Certificate. She was at best almost three months out of time. The Tribunal has no jurisdiction to hear the claim and it is struck out.

5. Guidance on an application for reconsideration will be included with this Judgment as the claim was struck out in the claimant's absence.

Employment Judge Aspinall  
17 May 2022

JUDGMENT SENT TO THE PARTIES ON

23 May 2022

FOR THE TRIBUNAL OFFICE