



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Rose

**Respondent:** Travis Perkins Trading Company Limited

**Heard at:** London South (Hybrid) **On:** 6 September 2022

**Before:** Employment Judge Khalil (sitting alone)

## Appearances

For the claimant: no attendance

For the respondent: Ms Annette Parker, Legal Adviser

## JUDGMENT FOLLOWING AN OPEN PRELIMINARY HEARING

### Claims struck out

The claim for Unfair Dismissal under S.94/98 Employment Rights Act 1996 is struck out as the Tribunal has no jurisdiction to hear it. It was presented out of time and the claimant has not asserted why it was not reasonably practicable to present the claim in time under S.111 Employment Rights Act 1996.

The claim for a Statutory Redundancy payment under S.163/164 of the Employment Rights Act 1996 is dismissed as it has no reasonable prospects of success. This is because the respondent has made the payment. The claimant has not asserted why he says he has not received it or why/if he says there is a shortfall.

### Reasons

- (1) The claimant was not in attendance. Before starting the Hearing, the claimant was contacted by the clerk. He informed the clerk he was not attending the Hearing today. He said the paperwork had not changed. He was offered the chance to join the Hearing via CVP but declined.
- (2) The respondent was represented by Ms Annette Parker, Legal Adviser.

- (3) This Open Preliminary Hearing had been relisted following the postponed Hearing on 25 May 2022 when the claimant was given an opportunity to take legal advice. In paragraph 10 of the case management summary which followed, it was recorded that the claimant had confirmed his claims were for unfair dismissal and a statutory redundancy pay and he did not know if he had any other claims. In paragraph 12, the claimant was informed he should legal advice on the claims he was bringing and advice on his claims being submitted late. In paragraph 15, he was directed to organisations who could provide pro-bono advice.
- (4) The claimant was dismissed with effect from 20 November 2020 by reason of redundancy.
- (5) He received his redundancy pay, holiday pay and a payment in lieu of notice on 31 January 2021.
- (6) The claimant initiated Early conciliation with ACAS on 23 February 2021.
- (7) The primary limitation period for his unfair dismissal claim was 19 February 2021.
- (8) His claim form was presented on 21 October 2021.
- (9) The claimant's claim for unfair dismissal is thus out of time under S.111 Employment Rights Act 1996. The claimant has not explained why it was not reasonably practicable to present his claim within 3 months.
- (10) The claimant has not asserted why he says he has not received his statutory redundancy pay on 31 January 2021, or why/if he says there is a shortfall.

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**Employment Judge Khalil**

**6 September 2022**