



EMPLOYMENT TRIBUNALS

Claimant: Ms J Davey as Personal Representative in the Estate of Mr Evan Innis

Respondent: Facebook UK Ltd

Heard at: London North (in public, by video)

On: 16 September 2022

Before: Employment Judge C H O'Rourke

Appearances

For the Claimant: Mr W Young - counsel

For the Respondent: Mr A Robson - counsel

JUDGMENT

The Tribunal has jurisdiction, subject to s.111 Employment Rights Act 1996, to hear the Claimant's claim of unfair dismissal.

REASONS

1. The Claimant has applied to the Tribunal to extend time in respect of the claim of unfair dismissal, subject to s.111 Employment Rights Act 1996 (ERA), to permit it to have jurisdiction to hear it (it being conceded that it has been brought out of time).
2. That application was not resisted by the Respondent.
3. I heard evidence from the Claimant and read written submissions from her counsel.
4. Those submissions, dated 14 September 2022, referred me to s.111 ERA and the relevant authorities (as set out in the index to a separate authorities bundle).
5. Briefly, I concurred with Mr Young's submissions, for the following reasons:

- a. This is an exceptional case, in that the person on behalf of whom the claim is brought is deceased and his widow now seeks to act as the personal representative of his estate, in doing so.
 - b. The manner of his death (presumed suicide) will undoubtedly have been traumatic for the personal representative, contributing, I am sure, to both her uncertainty as to how to proceed and to the delay in doing so.
 - c. She did not have the benefit of professional legal advice from the outset and was, I accept, unaware of the somewhat arcane requirements of s.206 ERA, as to either formally becoming the administrator of her late-husband's estate (he had died intestate and as a US citizen, had assets in that Country), or applying to the Tribunal under s.206(4).
 - d. She submitted an initial claim in her name in February 2021, but which she now accepts was invalid, as at that point, she could not comply with s.206.
 - e. Having taken professional advice in April 2021, she applied for letters of administration, which she received on 5 July 2021, issuing this claim a week later.
6. Conclusion. I accept therefore that it was not reasonably practicable to have brought this claim within the three-month time limit and that the Claimant thereafter brought the claim within such further period as was reasonable. Accordingly, the Tribunal has jurisdiction to hear the Claimant's claim of unfair dismissal.

Employment Judge O'Rourke

Date: 16 September 2022

Sent to the parties on:

8/10/2022

For the Tribunal Office:

N Gotecha