



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr LM Fatima Dos Martires Ximenes

**Respondent:** WM Morrison Supermarkets Limited

**HELD AT:** Liverpool (by CVP)

**ON:** 6 October 2022

**BEFORE:** Employment Judge Shotter

## REPRESENTATION:

**Claimant:** In person

**Respondents:** Mr Bidnell-Edwards, counsel

## JUDGMENT

The judgment of the Tribunal is that:

1. The claimant was dismissed on the 26 August 2021, ACAS Early Conciliation commenced on the 1 December 2021 and the complaint of unfair dismissal received on the 17 December 2021. The complaint was not presented before the end of the period of 3 months beginning with the effective date of termination of employment. The tribunal is satisfied that it was reasonably practicable for a complaint to be presented before the end of that period of 3 months, and the complaint was not presented within such further period as the tribunal considers reasonable.
2. The alleged act of race discrimination took place on the 23 July 2021, ACAS Early Conciliation commenced on the 1 December 2021 and the claim of unlawful race discrimination received on the 17 December 2021. The complaint was not presented to the Tribunal before the end of the period of 3 months beginning when the act complained of was done (or is treated as done) and it is out of time. In all the circumstances of the case, the Tribunal does not consider that it is just and equitable to extend the time limit to 17 December 2021.

3. The claimant's application made during oral closing submissions for an adjournment in order to seek legal advice was refused.

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6.10.22 Employment Judge Shotter

JUDGMENT SENT TO THE PARTIES ON

7 October 2022

FOR THE SECRETARY OF THE TRIBUNALS