



EMPLOYMENT TRIBUNALS

Claimant: Mrs Lisa Welborn

Respondent: Garden Market Butchers West Brom Ltd (in voluntary liquidation)

Heard at: Birmingham by CVP **On:** 12th July 2023

Before: Employment Judge Codd

Appearances

For the claimant: Mrs Lisa Welborn

For the respondent: Not in attendance

JUDGMENT

1. The claimants application for an extension of time to rely on the ET1 received on the 24th May 2021 (out of time) is granted.
2. For the avoidance of doubt the Tribunal therefore now has Jurisdiction for the matter and the case will proceed to a final hearing in accordance with the case management order of today's date.

Employment Judge Codd

12.07.2023

Sent to the parties on

For the Tribunal

REASONS

1. The claimant was employed by the respondent, a company that sells meat products, as a food sales assistant, from 06th October 2017 until 9th of December 2020, when she was dismissed. Early conciliation started on 10th of December 2020 and ended on the 10th of December 2020. The claim form was presented on 10th of December 2020, however it was rejected due to a material error.
2. The claimant was directed to respond to the Tribunal with any further corrections to her ET1, which she complied with. Employment Judge Wedderspoon accepted and issued the claim on 24th May 2021, by which time it was approximately 2 months out of time.
3. Proceedings have been delayed by the respondent entering voluntary liquidation. As a consequence of that the respondent has provided a response to the claim but has not engaged further within the proceedings at this point. It seeks the claim to be struck out.
4. The hearing before me was therefore listed to consider the Jurisdictional issues around time limits. I heard evidence from the claimant and considered the file and pleadings.
5. I find that the claimant presented her initial claim to the Tribunal 24 hours after her dismissal. She had by this stage engaged with ACAS and obtained a certificate appropriately.
6. I accept the claimant's narrative that there was a genuine mistake in her claim form which prompted its rejection. Bearing in mind that she is unrepresented, she has then taken steps to remedy that issue once it was brought to her attention. I am therefore satisfied that the correction was made as soon as practicable and within a reasonable time. I am satisfied that the explanation provided was reasonable.
7. The ET1 form had been served on the respondent's registered office and it was obvious from this form what her claim related to, even if it contained an error in the identity of the respondent. A director of the respondent was named as the recipient.

8. Having considered the circumstances of the claim, I consider that the explanation is reasonable. It is also apparent that to refuse the application may cause substantial hardship to the claimant. In balancing that against the respondent's hardship, it would be unjust to end the proceedings on the basis of the error in the ET1. As discussed, above at paragraph 7 the claim had been served on the correct address and would have been obvious to the respondent from the outset. In all of the circumstances, viewing matters in the round it is just and equitable to extend the time, and I allow the claimants application.

Employment Judge Codd

12.07.2023

Sent to the parties on