



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Mr B Wiggins

The Black Bull Bellingham Limited

Heard at: Newcastle CFCTC

On: 11 August 2023

Before: Employment Judge Loy

Appearances

For the Claimant: No attendance or representation

For the Respondent: No attendance or representation

JUDGMENT

1. Then claim form was not presented with the time limit set out in section 23 Employment Rights Act 1996. The Tribunal therefore has no jurisdiction to consider the claim.
2. The claimant's claim is dismissed.

REASONS

1. There was no attendance or representation by either party at this in person hearing listed for one day.
2. I considered Rule 47.
3. Enquiries by telephone were made of both parties. Neither party could be contacted.
4. I checked the Tribunal file and the Notice of Hearing had been sent to the correct email addresses for each party.
5. I decided to proceed with the hearing.
6. This was a claim for unauthorised deduction from wages.

7. I considered the Claim Form, the Response Form and the Record of a Preliminary Hearing that took place on 6 June 2023.
8. It was common ground that the claim form had not been presented within the three months time limit (plus early conciliation) in section 23 Employment Rights Act 1996. The claimant did not notify Acas within the initial period of three months. This was acknowledged by the claimant at the preliminary hearing.
9. It is for the claimant to show that his claim was brought within the time limit.
10. There was no oral evidence before the Tribunal to explain why, if indeed it had been the case, it was not reasonably practicable for the claimant to have presented his Claim Form within the time limit. The only explanation given at the preliminary hearing was that the claimant had been negotiating with the respondent and had failed to notify Acas within three months of the date the claimant says the payment should have been made.
11. I concluded that it had been reasonably practicable for the claimant to have brought his claim within the time limit.
12. The Tribunal therefore had no jurisdiction to consider the claim.

Employment Judge Loy

11 August 2023