



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr Robert Stillwell

v

(1) Norse Commercial Limited;
(2) Waveney Norse Limited

Heard at: Norwich

On: 15 June 2023

Before: Employment Judge Postle

Appearances

For the Claimants: Miss C Glascott, Friend

For the Respondent: Mr Ashley, Counsel

JUDGMENT on PRELIMINARY HEARING

The Claim had in fact been filed in time as the effective date of dismissal was 5 July 2022 and not 4 May 2022 as originally stated by the Claimant.

REASONS

1. Today's Hearing had been listed as a result of the Claimant inserting in his claim form filed on 31 October 2022, under paragraph 5 at page 4, in answer to the question "*When did your employment end?*", he inserted 4 May 2022.
2. As a result of that, at the referral stage Employment Judge Postle directed there be a Preliminary Hearing on the basis that the claim was out of time and whether it was reasonably practicable to have been issued within three months of the date of dismissal, allowing for any Early Conciliation with ACAS.
3. The Claimant's ACAS Certificate showed that he did not enter into Conciliation until 8 August 2022, therefore the claim on the face of it was out of time, the last date for filing would have been then 3 August 2022.
4. At the commencement of the Hearing today, Employment Judge Postle explained the purpose of the Hearing, whereupon Mr Stillwell indicated

that he was dismissed by letter of 5 July 2022 and produced a copy of that letter which was shown to Counsel for the Respondents.

5. It is clear from that letter that the actual date of dismissal was 5 July 2022 and not as the Claimant had inserted in his claim form, for reasons best known to himself, a date indicating his employment ended on 4 May 2022.
6. Counsel for the Respondent, Mr Ashley indicated the purpose of today's Hearing had been pointed out to the Claimant and this Hearing was in effect unnecessary had the Claimant raised this issue prior to the Hearing, or indeed inserted the correct date in his original claim form.
7. In those circumstances, Mr Ashley was asking for his costs that had been wasted for his attendance today, paid by the Claimant of £850.00
8. Employment Judge Postle decided to reserve the issue of Costs until the outcome of the Full Merits Hearing.

Employment Judge Postle

Date: 18/8/2023

Sent to the parties on: 22/8/2023

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For the Tribunal Office