



# EMPLOYMENT TRIBUNALS

**Claimant:** David Weekes

**Respondents:** Knauf (UK) Gmbh (1)  
Sarah Gibson (2)

**Heard at:** London South                      **On:** 20 June 2024

**Before:** Employment Judge Housego

## Representation

**Claimant:** In person

**Respondent:** Darren Stevens of People Law Ltd

## JUDGMENT

The claim is dismissed.

## REASONS

1. The Claimant was employed by the 1<sup>st</sup> Respondent. The 2<sup>nd</sup> Respondent works in the human resources department of the 1<sup>st</sup> Respondent. She has never been his employer. The Claimant cannot claim unfair dismissal or notice pay from her. Therefore, I dismiss the claims against the 2<sup>nd</sup> Respondent, with the consent of the Claimant.
2. The Claimant was dismissed by the 1<sup>st</sup> Respondent. He was sent an email on 22 March 2023 telling him so and attaching a letter with full reasons.
3. On 24 March 2024 he submitted an appeal against that dismissal, by email.
4. It follows that he knew of his dismissal no later than 24 March 2024.
5. The Claimant stated in his claim form that he was dismissed on 24 April 2024. This is not correct for the reason set out above. He agreed that it was simply an error.
6. On 24 June 2023 the Claimant contacted ACAS. An early conciliation certificate was issued on 01 August 2023.

7. The ACAS early conciliation period extends time for lodging a claim in various different ways. For this to occur a claimant has to contact ACAS within the primary limitation period.
8. The claim is of unfair dismissal and for notice pay. The period for lodging such claims is three months from the date of dismissal.
9. A dismissal only takes effect when an employee knows of it. In this case the most favourable date for the Claimant is 24 March 2023.
10. The three-month period therefore expired on 23 June 2023. It is not relevant to the calculation of the time limit that the Claimant had appealed his dismissal.
11. Therefore, because the three months had elapsed when the Claimant contacted ACAS, there is no extension of time.
12. Had he contacted ACAS on 23 June 2023, with the certificate issued on 01 August 2023 the time limit would have been one month after the date of the certificate (calculated a different way and expiring on 01 September 2023). Then the claim, lodged on 30 August 2023, would have been in time.
13. The time limit for lodging a claim for unfair dismissal (upon which the notice pay claim depends) can only be extended past the three-month period if it was not reasonably practicable for a claimant to file the claim within those three months.
14. It was reasonably practicable for the Claimant to file his claim with three months of 24 March 2023. He had sent a letter of appeal against dismissal, and this has everything in it that he needed to put in his claim. There were no personal circumstances which precluded him from submitting a claim.
15. Therefore, I cannot extend the time to allow the claims to proceed and must dismiss the claims.

Employment Judge Housego  
Date: **20 June 2024**

JUDGMENT SENT TO THE PARTIES ON  
**25 June 2024**

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.