



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Bowden

Respondent: Asda Stores Limited

HELD AT: Liverpool (in public, by CVP)

ON: 18 February 2025

BEFORE: Employment Judge Johnson

REPRESENTATION:

Claimant: Mr Matthew Bowden (claimant's son)

Respondent: Ms Sarah Bowden (counsel)

JUDGMENT

(in respect of the preliminary issues identified by Judge Ainscough in the Tribunal's letter dated 17 January 2025)

The judgment of the Tribunal is that:

- (1) In relation to the preliminary matter of time limits under section 111 Employment Rights Act 1996:
 - (a) The claimant was dismissed by the respondent on 29 March 2024.
 - (b) The claim was not presented within the applicable time limit.
 - (c) It was reasonably practicable to present the claim within the applicable time limit.
- (2) In relation to the respondent's application seeking strike out contrary to Rule 37(1) Tribunals Rules of Procedure 2013, (now Rule 38 under the 2024 Rules) made within paragraph 10 of the grounds of resistance:

- (a) The claim is struck out under Employment Tribunal Rule 38(1)(a) (2024 Rules).
- (b) This is because the Tribunal does not have jurisdiction to hear the claim as it is out of time and therefore the claim has no reasonable prospect of success.

Employment Judge

Date: 18 February 2025

JUDGMENT SENT TO THE PARTIES ON

Date: 4 March 2025

FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>