



EMPLOYMENT TRIBUNALS

Claimant: Edward Anderson

Respondent: Delta Slaley Hall Co Limited

Heard at: Newcastle Upon Tyne

On: 10 December 2024

Before: Employment Judge O'Dempsey

Representation

Claimant: Self (with McKenzie Friend)

Respondent: Beever (Counsel)

REASONS

1. The claimant having requested written reasons for the judgement these are provided as follows. By a claim form dated 15 April 2024 the claimant made the claims set out below. The ACAS early conciliation details were date of receipt by ACAS of the early conciliation notification – 15 January 2024; date of issue by ACAS of the certificate – 26 February 2024.
2. The claimant was employed as a sous chef from 4 September 2023 until 4 November 2023. He makes claims of dismissal by reason of having made a protected disclosure contrary to section 103A Employment Rights Act 1996. He also makes claims of detriment for having made a protected disclosure under section 47B Employment Rights Act 1996. In his additional information box (15) the claimant makes the point that he had previously submitted the claim before the original deadline. He said that it was rejected on the grounds that he had failed to indicate what type of claim he was bringing. He had not checked any boxes because he said he had checked the box in section 10 1. That is the box that says "if your claim consists of or includes a claim that you are making a protected disclosure under the Employment Rights Act 1996... Please tick the box if you want a copy of this form or information from it to be forwarded on your behalf to a relevant regulator..." The claimant says that he had ticked that box to indicate that there was a whistleblowing case.

3. The claimant said that when he had submitted the claim the portal would not accept the file in which he sought to upload his particulars of claim, and he said that this was in the correct format.
4. He explained that he had submitted that document on Tuesday, 26 March 2024 at 10:49 PM and gave the tribunal's email address. He then phoned the tribunal staff at 9 AM on Wednesday 27 March. He says that he was told that it was an acceptable form of submission and the RTF file he had sent by email would be linked to his claim. He says that the particulars of claim did form part of his ET1 form and detailed all of the information that the tribunal said was missing.
5. The claimant explained that the reason for the submission of the claim being beyond the limitation period was that he had been waiting for direction from an employment specialist at citizens advice in order to ensure that the submission was correct.
6. He also said that the respondent was wasting time during the early conciliation process and that led to the original submission being on the last day of the deadline. He also said that the delay was subsequently because of his mistake.
7. The particulars of claim that he provided explained that between 4 September and 4 November 2023 he was employed as a sous chef at the respondent's establishment. What follows has not been tested in evidence and is simply the allegations that the claimant made in his documents. He explained the duties he conducted, including food safety management. He explained that the respondent was subject to the Food and Health and Safety legislation. He said that he became aware of concerns and practices that led to an unsatisfactory and unsafe environment that his colleagues were required to work in. He said he made protected disclosures on 17 September 2023 until 15 October 2023 verbally about what he said was a culture of drug taking especially by members of agency staff which he said was having an effect on the safety of the workplace and his ability to ensure food safety practices were being followed.
8. He said that on 17 October 2023 at a probationary meeting his character was attacked because false accusations were made against him. The respondent picked out minor issues and that the allegations were exaggerated. He says that on 19 October 2023 he reported his concerns about the probationary meeting to one of his managers. On 19 October 2023 there was a meeting with another of the managers at which the claimant says he repeated his concerns about drugtaking. On 20 October 2023, an agency worker spilled hot oil on himself whilst operating the deep fat fryer. This was a near miss and the claimant had to instruct the member of staff to remove his jacket to stop the hot oil reaching his skin.
9. He says he discovered that the incident was not recorded as the Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013 require. On 22 October 2023 he was working with another worker or over a child's meal and the other worker passed the burger across the bench surface that had been used to prepare raw meat. This creates a risk

of cross contamination. On 15 October 2023 he said he witnessed a drug dealer visiting the premises to deliver illegal drugs.

10. On 15 November 2023, the claimant says he wrote to human resources repeating the previous protected disclosures and saying that he thought the disclosures were in the public interest. He also said that he thought he suffered detriments from one of the workers as a result of making the disclosures. In that document he also went on to make a further protected disclosure he says. This was in relation to habitual illegal drug use by kitchen staff.
11. On 15 November 2023, the claimant was invited to a probationary meeting and sought to have that rearranged. The following day the claimant requested a period of compassionate leave due to a death in the family.
12. On 17 November 2023, the claimant says that there was an investigation meeting with one of the respondent's managers. As attending whilst on essentially bereavement leave. The claimant set out what was discussed at that meeting in his particulars of claim. The notes of the meeting the claimant says demonstrate that the manager did not believe that the disclosures were or could be protected. The she was asking for details of why the claimant thought they did fall under the statutory protection.
13. On 20 November 2023, the claimant says he sent a further email to that manager containing another disclosure. This included reference to the near miss. Included reference to illegal drugtaking and dealing. It included reference to unsafe food practices. During that correspondence he also indicated that he had in his view been subject to detrimental treatment because of all that had happened subsequent to his disclosures.
14. On 21 November 2023 there was a further meeting with the manager at which the manager dismissed the claimant. She followed that meeting up with a letter which she said that at the meeting they had discussed concerns relating to his conduct and the impact it had on his role as a sous chef citing a breakdown in working relationships between himself and senior management is the reason for dismissal. On 27 November 2023 the manager wrote to the claimant saying that she was investigating his concerns but saying that the decision to dismiss was taken because it was apparent to her that the claimant could not return to work due to his length of service he was entitled to one week's notice which was to be issued on that day. On 27 November 2023 he was paid his final payment. He responded on 5 December 2023 to the manager's 27 November communication, disagreeing with various points in the minutes of the meeting and seeking to appeal the dismissal.
15. On 5 December 2023 the claimant says that the manager sent an email which stated that the claimant had said he would not return to work and that he had repeatedly advised the manager that due to a breakdown in the working relationship with the head chef the claimant would not feel comfortable to return to work. The manager denied that there had been any detriment to the claimant and his request to appeal was denied.

16. There was correspondence on 6 December 2023 from the claimant to the respondent. The claimant then requested an update of what was happening, on 19 December 2023. On 21 December 2023, the manager responded to the claimant saying that she was still investigating the disclosure and that she would furnish the findings on 10 January 2024.
17. However, on 10 January 2024 manager did not respond or offer any apologies or explanation for failing to respond. The claimant says that this was a detriment because the respondent lied about whether his disclosures were being investigated. On 15 January 2024, the claimant sent a chasing email. He explained that he had referred the matter to ACAS. He said that the delays in the investigation were prejudicing his right to seek a remedy through an employment tribunal through the problems with the limitation period.
18. On 16 January he had not read heard from the respondent, so he started early conciliation. On 17 January 2024, the manager told the claimant that she had heard from ACAS and would communicate with them directly. The particulars of claim then set out the legal analysis and the document is dated 22 March 2024.
19. On 7 May 2024, the tribunal sent a notice of claim to the respondent. This was accompanied by a notice of preliminary hearing and a blank agenda.
20. The respondent appears to have responded on 31 May 2024. In the grounds of resistance, the respondent raised the question of whether the tribunal has jurisdiction to hear the claim as a result of time limits. The respondent explained that the claim was submitted on 15 April 2024 but that the claimant had commenced early conciliation on 15 January 2024 concluding on 26 February 2024. The respondent claimed that the complaints of "automatic" unfair dismissal and whistleblowing detriments together with the breach of contract claim represented on 15 April 2024 were presented outside the applicable time limits.
21. The respondent's grounds of resistance then go on to set out its substantive response to the claims. However, for the purposes of this set of written reasons those are not relevant.
22. On 20 September 2024 employment Judge Sweeney held a private preliminary hearing in this case. At that hearing the issues for the hearing before me were defined.
23. Directions were made in respect of the public preliminary hearing. If the documents were to be referred to, they were to be exchanged on or before 11 October 2024. The respondent was to provide a bundle of documents which was to be agreed. This was to be sent to the claimant no later than 25 October 2024 and no later than 15 November 2024 the claimant was to send a witness statement consisting of the evidence that he proposed to give relevant to the timing and circumstances of the presentation of the claim form and whether time should be extended. The respondent, if it was going to call any witness evidence, was to send the witness statements it relied on by the same time.

24. Employment Judge Sweeney explained to the claimant that he would have to give his explanation and witness statement and that he might be asked questions in cross examination by the respondent's counsel. He was told he might want to refer to documents in support of his argument on reasonable practicability.
25. The employment judge said he was unclear about the nature of the breach of contract claim which referred to in regulation 21 of the IT PAYE regulations 2003 which gives employers the statutory power to deduct tax and national insurance. It transpired the complaint about the breach of contract was that the claimant had been paid what the respondent says was a tax rebate, but the claimant thought this was unusual and so challenged it. In the event the claimant withdrew his claim for breach of contract in this respect and it was dismissed in the judgment.
26. At the hearing before me the claimant had with him Mr Hodgson a McKenzie friend. Mr Beever of counsel represented respondent. At the start of the hearing the claimant stated he wished to introduce further emails on the investigation. The respondent counsel explained that he had not seen these documents and objected on the grounds of their relevance. However I allowed the documents to be put into the evidence for reasons of ensuring that the case could proceed on time and in allocation. I took the view that it was disproportionate to spend too much time on the question of whether they should be admitted or not. I had no view on their relevance or what weight out gives them at that point. There was an adjournment while the documents were read (once they had arrived).
27. The claimant gave evidence and was cross-examined. He accepted that when he received the email, he knew he had been dismissed on 21 November 2023. He was referred to communication which he had said "as previously stated, we are at odds on the matter require some external investing intervention and we cannot rule out employment tribunal. My claim would have to be submitted within 90 days less one of the final act of detriment (termination of employment) and clearly taking some 6 weeks to conduct an investigation is unreasonable and prejudicial especially as the issues were brought to your attention nearly 2 months prior (15 November 2023 – 10 January 2024). Aside from adherence to the ACAS code, should the matter proceed to tribunal, then the details will be made public and I'm sure you will agree taking almost 2 months to investigate disclosures which demonstrably put the paying customer directly and indirectly at risk will not reflect well on the organisation".
28. The claimant accepted that he had the benefit of Citizens Advice advice at this stage because they were copied in. He said that his particulars of claim were the product of some assistance by Citizens Advice. He accepted that that advice was had around 21 December. He said had contacted Citizens Advice when he was served with his notice for the probationary hearing meeting around 15 November 2023.
29. The claimant did not hear back from the human resources department until 13 January and that he was discussing with the Citizens Advice what the right way forward was. He notified ACAS on 15 January 2024. He accepted that after 26 February 2024 there was no further communication between himself and the respondent. He agreed that he knew what his

rights were and how to bring a claim and he accepted that he did not bring a claim until the last available date. He accepted that he did not explain in his witness statement why he had left it until the last day to present the claim or to try to present the claim. However, he did say in oral evidence that he was entitled to use the time up to the deadline, that his claim form particulars were complicated and that he had spent a lot of time on them.

30. The claimant also explained in oral evidence that communications with the CAB and the schedule of the person he was in contact with there were complicated. The person with whom he had contact had been on leave and that created some delay. He clarified later that the person at the CAB only worked Tuesdays and Wednesdays. He said that there was nothing further he could have done and that he was waiting for the CAB representative to get back to him to make sure everything was fine with the claim. He wanted to make sure that the details were all correct and checked by the CAB before submitting the claim to the employment tribunal and to the respondent.
31. He accepted that he began the process of presenting the claim late into the evening on the last day. He said that the troubles he was facing meant that it took him into the evening to start the process. He said that he had tried to submit the form multiple times over and said that there was a problem with the portal.
32. The claimant was referred to his screenshot on page 82 of the bundle. This shows the list of filenames with one highlighted in blue "portal rejecting file" 11/10/2024 at 1308. This is a JPG file and there is a square box covering the date details of three email messages "rejection email" "submission 15 04 24" and submission 26 3 24" the latter two are of the same size in terms of kilobytes.
33. The claimant said that he was demonstrating that he took the screenshot on 26 March 2024 at 21:17 hours. The claimant said that this was submitted as the respondent was claiming that there was no date attached to the file and that the page showed the meta data of the file creation. That being the detail in the date column the portal rejecting file J PG file appears to have been created on 11 October 2024. However, the square box shows that the J PG file was "taken" on 26 March 2024 at 21:17 hours.
34. The claimant accepted therefore that he tried to make the presentation at about 21:17 hours on the evening of the last available date. The claimant explained that timestamp shows that he knew he had to take some evidence of the portal not working.
35. The employment tribunal rejected the claim as being in a form that could not be sensibly responded to by a letter of 2 April 2024. The employment judge explained that the claimant had failed to indicate what type of claim he was bringing. The claimant then submitted his further claim. He explained as previously noted that the portal was not accepting RTF uploads. He explained that he had served the particulars of claim by email to the Newcastle employment tribunal email address. At this point he said he was not having the advice of the CAB.

36. It was pointed out to him that box 8 on the form on page 71 of the bundle was left blank. The claimant did not accept that it was his error in failing to provide any details of claim. He said that he submitted details of the claim by email and that the problem was that the portal was not accepting the RTF upload. The claimant said that he had ticked the box 10 indicating that he was making a whistleblowing complaint as noted above. He said he thought it was clear that it was a public interest disclosure claim.
37. The claimant accepted that he knew on 2 April that the initial claim been rejected. He said that he contacted the CAB at that point and took advice. However he did accept that having found out that the claim was rejected he knew that his claim was outside the time limit. He said that he followed the advice he was given and resubmitted accepting that this was done on 15 April. The claimant accepted that he did not say in his witness statement why after 2 April it took him until 15 April to resubmit the claim. I note that 2 April 2024 was a Tuesday and that 15 April 2024 was a Monday. In oral evidence the claimant explained that he did not feel that the time between the rejection and the resubmission was a large amount of time. He said that he had been in contact with the citizens advice bureau to see if the first submission was correct. He explained that he had gone to see the CAB on the day of his rejected claim notification, i.e. 2 April 2024. He said he did not know what date he actually received advice but that the CAB had reacted quickly.
38. The claimant explained that nothing in particular had stopped him from putting the claim in but that he was just trying to get all of the information on the claim form correct and was spending time and effort in diligence. He wanted it to be correct for the employment tribunal. In relation to the period of time and the access to advice he had he explained that the representative of the system's advice bureau any work to Tuesdays and Wednesdays.
39. I asked the claimant whether he wanted to clarify anything in the way he would be able to work you professionally represented and he stated that the issue was his first claim being rejected which put the other claim outside the time limit. He said he had done everything he thought was necessary. The issues with the portal and the issues facing him were extremely frustrating.
40. I asked the claimant about his understanding of the form, and he explained that he thought that unfair dismissal and automatic unfair dismissal were different things but that he had done enough by ticking the box 10. He said he had not looked at the guidance. Every time he tried to fill out the form the form was wiped clean. He had attempted to fill it out multiple times and he said he thought he had done everything that he thought was reasonable. He said that he had set out the difficulties he had had a box 8.2 on page 72 of the bundle which were that the portal was not accepting RTF uploads; the particulars of claim had been served by email and also to the respondents email addresses of their human resources Department and a named individual at the respondent. On that page he confirmed that he had served the respondent "in accordance with rule 92". He said that the screenshot page 81 of the bundle showed that he had filled in the form. He said the problems with the portal causing a lot of

reworking and that it was frustrating not being able to access the file. This is why he found alternative means to submit the particulars and this on the second submission the particulars were accepted. However, on this occasion he made an error marking box 8 correctly.

41. I then heard submissions from the parties. The respondent provided a skeleton argument and for reasons of brevity I do not repeat the submissions were made to me by the respondent which are set out in that skeleton argument. However, the respondent submission was that time runs from 21 November. As the latest point in time but that some detriments are later in time, for example the denial of the right of appeal was 5 December and so time runs from that date. The claimant had identified 21 December as a detriment that human resources said they were investigating when they were not. The passage of correspondence around 23 December shows that the claimant knew of his rights. He fully understood the nature of the claimant time limit issues it was submitted.
42. The respondent said that there was a month between 26 February and 26 March before the claim was presented. The respondent said that the problems of uploading to the portal were a red herring. Essentially the difficulty was that the claimant had left submission to the last minute. The claim form originally submitted successfully could not be sensibly responded to and the tribunal was correct to reject it at that stage. The claimant knew on 2 April that the claim was out of time, and he has not provided a proper explanation why took from 2 April until 15 April for the claim to be submitted. The claimant had not, it was submitted thought it necessary to explain the amount of time.
43. The respondent explained the time calculation that it relies upon pointed out that applying that calculation the claimant had an extension of one month from 26th February and that meant that when early conciliation ended on 26 February the claimant had until 26th March to bring a claim.
44. The respondent submitted that it was reasonably practicable for the claimant to have brought the claim within the time limits. As to the suggestion by the claimant that the respondent was wasting time waiting for the outcome of an investigation there was no suggestion after 25 February that the respondent was causing difficulties or hindering the claim so that there was nothing to prevent the claimant bringing it.
45. The respondent said that was entirely feasible to bring the claim the respondent said that last-minute difficulties with technology could not be said to be unforeseeable. There was no evidence that the tribunal system was down, all that there was an effect on a lot of other people.
46. If I agreed with the claimant that it was not reasonably practicable to present claim in time, then I should not find that it was presented within a reasonable time thereafter. The claimant's view that the delay between the start of April and 15 April was not a significant period of time was incorrect. He knew that the claim was out of time, was astute and understood the position relating to time limits. The respondent accepted that dealing with the assistance advice bureau would build in some delay but said that the explanation was not sufficient.

47. The claimant made oral submissions to the effect that he had not left matters to last-minute and that he had all the information in front of him and had been continually working on the submission he said he had been lied to about the investigation and that he felt further lies been told to him in January.
48. It reminded me of the difficulties he had in uploading the document; mentioned that he made efforts across numerous devices. He had been seeking since the afternoon to present the claim. Said it was on access to justice issue that he could not submit form in the form required so that it was not accepted. As he could not presented, he took alternative means, and he said he submitted the full ET1 within the deadline provided via email. He said that the issue was not just local to him. He said that it was not foreseeable that he might run into this type of problem. He said that all of the information that he had in the ET1 form was correct and drew my attention again to the document on page 81 of the bundle which states that the document describing his claim in which he had said please see attached POC needed to be in Rich text format. There is an explanation of how that could be saved which is cut off. The picture showed that the file selected: Edward AE T1 POC (RTF).RTF had beneath it a big X on a black circle and a red notice pointing to the remove file button which said "something has gone wrong. Your file has not been uploaded.
49. The form of course has the instruction that the claim can be written in the "describe your claim" box. It says, "write your claim statement below include the background... Involved." And then underneath that there is a triangle pointing down the page next to it "or upload it as a separate document".
50. The claimant said that that page was evidence that he was trying to upload the RTF document. He said that when the file was removed that wiped the page and the information, he thought he had got on it. He said it was reasonable to expect the form to have been filled out and that he thought that the information had been provided. He said he tried to submit the form but that the box provided could not put the whole of the documentation down. By this I think the claimant means that he could not put the text of the entirety of his particulars of claim into the "describe your claim" box. He said he made the decision not to attempt to put the contents of his document into that box. He accepted that it would have been feasible to put a summary of what was in the RTF. However, he said he had tried 20 to 30 times. He said round 9 PM he realised he was not going to get the RTF uploaded. He said that he could have booked more information in the box which contains the phrase "please see attached POC.
51. In relation to the delay, he said that he had problems getting off to see the CAV and that he was trying to mitigate his loss. He was working 60 hours per week although he accepted, he did not mention this in the witness statement.
52. The claimant also responded to the respondent's skeleton argument. He accepted that the final submission date or presentation date was 12 April 2024, and he submitted that the two-week delay after rejection was a reasonable period of time, he distinguished the case law relied upon by

the respondent by saying that in his case there were technical issues. Made multiple attempts to mitigate it in multiple different places setting out the full ET1 and indicating that the information had been provided by email. He said that within the initial time limit he had done what he believed he could have done. Essentially the same argument applied to the resubmission of the claim form. He said he had given an explanation for why the submission was not successful.

53. He suggested that the second submission being accepted in some way validated the first submission. In reply the respondent maintained that the new document complied with the submission fear new claims but that that does not amount to acceptance of the previous claims.

Findings of fact

54. I have given details of what the claimant said in cross examination above. I found the claimant to be a credible witness and I accept his account of his motivation and what he did during the relevant period. I go on to evaluate that explanation in terms of the legal tests I have to apply. I accept that by and large what the claimant did was reasonable. However as will be seen below that is not enough.

The law

55. The relevant statutory provisions are at section 111(2) and (2A) of the Employment Rights Act 1996 ("ERA") and further at section 207B of ERA.
56. **Section 111** states "(2) [...] an Employment Tribunal shall not consider a complaint under this section unless it is presented to the Tribunal – (a) before the end of the period of three months beginning with the effective date of termination or, (b) within such further period as the Tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months." "(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a)."
57. **Section 48(3)** ERA makes similar provision stating that an ET shall not consider a complaint under section 48 unless it is presented before the end of the period of three months beginning with the date of the act or failure to act to which the complaint relates or where the act or failure is part of a series of similar acts or failures, the last of them or within such further period as the ET considers reasonable in a case in which the tribunal is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months. By section 48(4A) that provision is subject to section 207B.
58. **Section 207B** states "(2) In this section— (a) Day A is the day on which the complainant or applicant concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and (b) Day B is the day on which the complainant or applicant concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section. (3) In working out when a time limit set by a

relevant provision expires the period beginning with the day after Day A and ending with Day B is not to be counted. (4) If a time limit set by a relevant provision would (if not extended by this subsection) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period. (5) Where an employment tribunal has power under this Act to extend a time limit set by a relevant provision, the power is exercisable in relation to the time limit as extended by this section."

59. The powers to disapply the statutory time limit are very restricted with a statutory test of practicability which is not satisfied just because it was reasonable not to do what could be done (**Bodha (Vishnudut) v Hampshire Area Health Authority** [1982] ICR 2000).

60. It is not a question of considering what was reasonable but of considering what was reasonably practicable, in the sense of being reasonably feasible to do. The power to dis-apply the statutory time limit is,

"...very restricted. In particular, it is not to be exercised, for example, 'in all the circumstances,' nor even when it is 'just and reasonable' nor even where the Tribunal 'considers that there is good reason' for doing so." (**London Underground Ltd v Noel** [1999] ICR 109).

61. The claimant has the burden of proving that presentation in time was not reasonably practicable (**Porter v Bandridge** [1978] ICR 943).

62. The claimant must show some impediment, which reasonably prevented or interfered with the ability to present in time (see **Walls Meat v Khan** [1979] ICR 52).

63. Whether something is "reasonably practicable" is to be determined by reference to all the relevant fact and it is a notion falling somewhere between being reasonable to do and being physically capable of being done (**Palmer v Southend Council** [1984] ICR 372). That is probably best summarised as whether it is reasonably feasible to do the thing.

64. If I find that it was **not** reasonably practicable for a Claimant to present a claim within the time period, I must go on to decide whether the claim was then presented within a further reasonable period under section 111(2)(b) ERA. That is a lower standard which requires me to consider simply whether the time period within which the claim was presented (after the expiry of the time limit) was a reasonable one. I have to make an objective consideration of the factors causing the delay and what period should reasonably be allowed in the circumstances (**Cullinane v Balfour Beatty Engineering Services Limited** EAT 0537/10).

Discussion and conclusions

65. Were the claims presented in time?

66. No: both the claim for dismissal in the claim for detriments were presented outside the relevant time limit which in the case of the detriments expired on 12 April and in the case of dismissal earlier than 12 April 2024. The claim was successfully made on 15 April 2024.

67. Was it reasonably practicable for the claims to have been presented within the time limit?
68. Yes: the claimant was aware of the nature of the technical difficulty he was facing at a time when he could put in a form which conformed to the requirement of presenting a claim which could be sensibly responded to, but, out of frustration with the amount of times he had to try to submit the form with the RTF file, failed to notice that he was not ticking the boxes which would have given some sense of what the claim was. The submission of the form with the box at item 10 ticked was thought not to be sufficient. I have not been asked to review that decision, nor has there been appeal against that decision rejecting the initial submission.
69. In any event it would have been reasonable to expect the claimant when he realised that he could not get the RTF file uploaded to give a summary of the case in the box that says “describe your claim”. This was reasonably feasible for a litigant faced with these difficulties.
70. The above is sufficient to dispose of this case. However I deal with the third element.
71. Was the claim presented with a further reasonable period?
72. No. If I had reached the conclusion that it was not reasonably practicable to present the claim within the time limits, the claimant sought and obtained speedy advice from the CAB but nonetheless did not resubmit the form. He had contacted the CAB on the day the form was rejected and the form could easily have been resubmitted in a compliant manner within a day or so of that time (particularly in the light of the contact with the CAB).

Conclusion

73. For these reasons, the tribunal does not have jurisdiction to hear any of the claimant's claims which are accordingly dismissed.

Employment Judge **O'Dempsey**

Date 21 February 2025