



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Mohammad

**Respondent:** HBOS Plc

**Heard at Leeds by CVP**

**ON: 6 August 2025**

**BEFORE:** Employment Judge Shulman

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Mr S Liberadzki, Counsel

# JUDGMENT

1. The claimant did not present his claim before the end of the period of three months beginning with the effective date of termination and the Tribunal finds that it was reasonably practicable for the complaint to be presented before the end of that period.
2. In all the circumstances the claimant's claim for unfair dismissal is hereby dismissed.

# REASONS

## 1. Claim

- 1.1. Unfair dismissal.

## 2. Issue

- 2.1. Does the Employment Tribunal consider that it was not reasonably practicable for the claimant's complaint to be presented before the end of the period of three months beginning with the effective date of termination?

3. **The Law**

The Tribunal has to have regard to the following provisions of the law:

3.1. Section 111(2) Employment Rights Act 1996 (ERA):

“Subject to the following provisions of this section, 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.”

3.2. Asda Stores Limited v Mrs S Kauser UK EAT 0165/07/RN (Kauser)

In that case, amongst other things, Mrs Kauser said that she missed the time limit because she was very stressed. There was no finding of illness or incapacity on her part. The Employment Appeal Tribunal found that it cannot be sufficient for a claimant to escape from the statutory time limit because she points to being stressed or even very stressed. There would need to be more.

4. **Facts**

The Tribunal having carefully reviewed all the evidence (both oral and documentary) before it finds the following facts (proved on the balance of probabilities):

4.1. The claimant was dismissed on 25 September 2024. It is common ground that he should have presented his claim no later than 12 February 2025. In fact he presented his claim on 18 February 2025, six days late.

4.2. The claimant told us that it was not reasonably practicable for him to present his claim before 18 February 2025 because of two main factors:

4.2.1. Very sadly the claimant's niece passed away aged 18 on 31 December 2024. The claimant was very close to her. The claimant was by her bedside when she passed away. The claimant found this experience devastating emotionally and mentally.

4.2.2. The claimant had been separated for eight years from his wife. He is in England, she is in Pakistan. Divorce proceedings commenced between them in September 2024 and they were divorced in June 2025. The divorce and the proceedings caused great problems between the families of the claimant and the claimant's wife, so much so that the claimant received death threats in mid-February 2025. These matters also caused the claimant emotional and mental devastation.

4.3. Nevertheless the claimant knew that he had to issue his claim by 12 February 2025. He had a letter from ACAS saying so. The claimant nevertheless said that he was upset. He was at home between 12 February 2025 and 18 February 2025 still grieving and he forgot about the time limit, which he accepts was a mistake as he knew of the deadline.

- 4.4. Despite his state the claimant did not seek or receive medical treatment for his personal difficulties.

5. **Determination of the Issues**

(After listening to the factual and legal submissions made by and on behalf of the respective parties):

- 5.1. This is a case in which the claimant knew well of the time limits.
- 5.2. Having regard to the case of Kauser stress is not sufficient to escape the time limit. I find that emotional and mental devastation is no more than stress or as per Kauser puts it “very stress” and in any case the claimant did not seek medical advice for his predicament.
- 5.3. What the claimant personally went through and is probably still going through for which the Tribunal extends sympathy is not sufficient to excuse the claimant from being six days late with his claim. As I have said whilst the Tribunal has much sympathy for the claimant tribunals do not decide cases on sympathy. They decide them on the law and in particular in this case section 111(2) ERA. The claimant missed the time limit and the Tribunal finds that it would have been reasonably practicable for the complaint to be presented within the statutory three month period.
- 5.4. In all the circumstances the claimant issued his claim out of time and the Tribunal is of the view that the three month period should not be extended.
- 5.5. That being so the claimant’s claim for unfair dismissal is hereby dismissed.

J Shulman

**Approved by Employment Judge Shulman**

Date: 11 August 2025

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Sent to the parties on:

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For the Tribunal:

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