



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr V D Udila

**Respondent:** Bylor Services Limited

**Heard at:** London South Employment Tribunal via Video hearing  
**On:** 26 March 2026

**Before:** Employment Judge Youngs

**Representation**  
Claimant: In person  
Respondent: Ms L Iqbal, counsel

## PRELIMINARY HEARING RESERVED JUDGMENT

1. The correct name of the Respondent is “Bylor Services Limited”.
2. The Claimant’s claim for unfair dismissal was not presented within the applicable time limit. It was reasonably practicable to do so. The Claimant’s claim is therefore dismissed.

## REASONS

### Claims and parties

- 1) By a Claim Form dated on 4 June 2024, the Claimant brings a claim for unfair dismissal. That claim was, on the face of it, submitted outside of the primary time limit, and therefore a hearing was listed to consider whether the primary time should be extended. The Respondent was served with the Claim, but not required to respond at this time.

### Procedure, documents and evidence heard

- 2) The hearing was held by video hearing.
- 3) I had before me a Bundle of Documents submitted by the Respondent, running to 91 pages. This included the Claimant’s witness statement.
- 4) At the start of the hearing I explained that the issues I would be considering and the process

that we would follow.

- 5) The Claimant represented himself and gave witness evidence on his own behalf. He had prepared a witness statement, which was read and taken into account. The Claimant was assisted by an Interpreter. The Respondent was represented by Ms Iqbal of Counsel.
- 6) The Claimant was cross examined by Ms Iqbal. The questions asked focused on the timing of the submission of the Claimant's claim and surrounding circumstances, and not on the merits of the claim. This was because the issue to be determined related to time limits (see below) and not to the merits of the claim. The Claimant was understandably upset by his dismissal and the manner in which he said it took place. However, the purpose of this hearing was not to make findings about the fairness or otherwise of the dismissal.
- 7) Each party had the opportunity to make submissions and both made oral submissions which I took into account in making a decision.

### **The issues**

- 8) The issues to be determined at this hearing were:
  - a) Whether the Claimant's claim for unfair dismissal had been submitted outside of the primary time limit and if so:
    - i) whether it was reasonably practicable to bring the Claim in time; and
    - ii) if not, whether the Claimant brought his claim within such further period as was reasonable.

### **The Law**

- 9) Section 111 of the Employment Rights Act 1996, as far as it is relevant, provides:

*(1) A complaint may be presented to an employment tribunal against an employer by any person that he was unfairly dismissed by the employer.*

*(2) Subject to the following provisions of this section, an employment tribunal shall not entertain a complaint under this section unless it is presented-*

*(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.*

- 10) When a claimant argues that it was not reasonably practicable to present the claim within the time limit, there are questions of fact for the Tribunal to decide. In other words, whether it was, in fact, reasonably practicable or not. The onus of proving it was not reasonably practicable is on the Claimant.
- 11) "Reasonably practicable" can be expressed as meaning "reasonably feasible". It is not enough for a Claimant merely to show that they acted reasonably. The Claimant is not required to show that presentation of the claim was physically impossible. What is "reasonably practicable" lies somewhere between those two ends of the spectrum.
- 12) A claimant may be able to rely on having acted, or failed to act, in reliance on incorrect or

materially misleading advice from officials such as ACAS or Tribunal staff. In *DHL Supply Chain Ltd v Fazackerley* [2018] UKEAT 0019\_18\_1004 the EAT held that the Employment Tribunal did not err in finding that it was not reasonably practicable for the claimant to have brought proceedings in time when he relied on incomplete advice from ACAS that he should exhaust an internal appeal process first before considering starting a Tribunal claim.

- 13) If a claimant knows of the facts giving rise to the claim and ought reasonably to know that they had the right to bring a claim, a Tribunal is likely not to extend time. If the claimant has some idea that they could bring a claim and could, by making a straightforward enquiry or seeking readily available advice, have ascertained the time limit, it may be found reasonably practicable to have presented the claim in time. In the case of *Trevelyan's (Birmingham) Ltd v Norton* 1991 ICR 488 EAT, for example, Mr Justice Wood stated that where a claimant knows of their rights to make a claim they are under an obligation to seek information and advice about how to enforce that right. It is for the claimant to show that any failure to obtain such information was reasonable.
- 14) If the Tribunal is satisfied that it was not reasonably practicable to present the claim within the time limit, then it is necessary to consider whether the period between the expiry of the time limit and the eventual presentation of the claim was reasonable in the circumstances. This does not necessarily mean that the Claimant has to act as fast as would be reasonably practicable.
- 15) The law is clearly set out by Eady J in *Paczkowski v Sieradzka* (Jurisdictional Points : Extension of time: reasonably practicable) [2016] UKEAT 0111\_16\_1907 (19 July 2016), particularly at paragraph 19 onwards.

#### ACAS early conciliation

- 16) There are statutory provisions that, in many cases, extend the time limits applicable to bringing claims in the employment tribunals where there has been a period of early conciliation under the auspices of ACAS that has been started within the applicable primary time limit. There are relevant provisions in the Employment Rights Act 1996.

#### **The Claimant's case**

- 17) The Claimant says it was not reasonably practicable for him to file his claim on time for a variety of reasons:
  - a) On 2 October 2025 the Claimant indicated to the Tribunal that he did not know that there was a deadline for submitting a claim after having contacted ACAS [for pre-claim conciliation]. In evidence, the Claimant expanded on this, saying that he received an email from ACAS which referred to "two years" and therefore he believed that he had a further two years to bring his claim. The email is dated on 21 May 2025 and said: "Can I ask you are proceeding to the employment tribunal with your dispute? We find that tribunal steps are (2years for a hearing) and can sometimes have fees attached. Please let me know how you would like to proceed." [43]
  - b) On 4 October 2025, the Claimant contacted the Tribunal again, in relation to the claim having been submitted out of time, and asked the Tribunal to consider "the stress and depression I have acquired, being a bonlav, dismissed, plus I took out a loan of 24,000 pounds at the bank to support my family and myself, plus I wanted to apply to the recruitment company ... It is true and it affects me mentally and emotionally. I waited

for Bylor to reconsider their abuse or let's say the mistake of illegally dismissing me, which did not happen. Please understand that I did not know that after the ACAS certificate there is still a deadline. Please take this into consideration and do not let an illegality committed by Bylor become legal!"

- c) In his witness statement, the Claimant summarised his position by saying "In light of my serious heart condition, prolonged workplace-related stress, and diagnosed depression, it was not reasonably practicable for me to present my claim within the relevant time limit."
- d) In evidence to the Tribunal, the Claimant said that he missed the time limit because he was "affected mentally". He repeated that he thought he had two years to bring a claim because of the ACAS email referred to above.

### **Findings of fact**

- 18) The Claimant first contacted ACAS in October 2023 (more than a year before his dismissal) because he "searched online about work issues".
- 19) The Claimant suffered health issues, related to his heart, from around June 2023. This caused the Claimant a significant amount of worry, and he was frightened that he would die. He sought medical treatment.
- 20) It is not disputed that the Claimant was dismissed by the Respondent. His effective date of termination was 24 February 2025.
- 21) The Claimant contacted ACAS for pre-claim conciliation on 22 April 2025, within the primary time limit.
- 22) On 21 May 2025, as part of an exchange with the Claimant, an ACAS officer emailed the Claimant saying: "Can I ask you are proceeding to the employment tribunal with your dispute? We find that tribunal steps are (2years for a hearing) and can sometimes have fees attached. Please let me know how you would like to proceed." The Claimant says that he read "2years" and thought that meant that he had two years to bring a claim. He replied to the email from ACAS asking whether he had any chance of winning the claim.
- 23) A certificate was issued by ACAS at the end of the conciliation period, on 21 May 2025.
- 24) The ACAS Conciliation period "stopped the clock" running in terms of the time limit, and the time limited was extended to 21 June 2025.
- 25) The Claimant saw his GP on 27 May 2025 in relation to back ache.
- 26) He then saw his GP on 26 June 2025, and was diagnosed with "significant and active depression". His medical notes record this, and that the Claimant was provided with a mental health information leaflet, information as to how he could self-refer to talking therapies, and some self-help guides. The Claimant was not prescribed medication for his depression.
- 27) The Claimant continued to seek medical support for his heart issue and blood pressure.
- 28) On 21 August 2025, the Claimant contacted the Respondent in relation to his employment, and the unfairness of his dismissal.

- 29) The Claimant says he started new medication on 1 September 2025, which improved his blood pressure “within days” and that as a direct result he was able to submit his claim.
- 30) The Claimant filed a claim with the Employment Tribunal on 8 September 2025.
- 31) In a subsequent email on 10 September 2025, the Claimant contacted the Respondent again saying that he had waited for the Respondent to “fix [its] mistake”, but now felt “compelled to sue”.
- 32) On 2 October 2025, the Claimant saw a flag on the MyHMCTS portal, he used Google Translate and realised that he had filed his claim out of time. He contacted the Tribunal and said:  
*Please understand that I did not know that after the ACAS certificate there is still a deadline. Please take this into consideration and do not let an illegality committed by Bylor become legal!*
- 33) On 4 October 2025, the Claimant contacted the Tribunal again, asking the Tribunal to take into account the stress and depression he acquired (among other things, as referred to above).

### Conclusions

- 34) The Claimant contacted ACAS for pre-claim conciliation within the primary time limit. He then failed to submit his Claim on time.
- 35) The primary reason given by the Claimant for not submitting the Claim on time, was that he did not know that time had expired when he submitted the Claim. He says that he read the 21 May 2025 ACAS email as meaning that he would have two years to bring a claim. He relies, therefore, on a misreading of that email.
- 36) In his evidence, the Claimant suggested that the misreading of the email was due to his mental health because it caused confusion. However, there is no medical evidence to support the contention that the Claimant’s depression materially impaired his ability to understand or ascertain the applicable time limit. The Claimant was able to start the ACAS conciliation process and engage in dialogue with ACAS about a potential claim, and he did so in English (whether with or without the support of Google Translate).
- 37) The Claimant referred to him having emailed ACAS with an incorrect ACAS conciliation number, and suggested that this was evidence that his mental health meant that he did not understand what was happening. However, the Claimant in fact emailed ACAS with 2023 conciliation number, before starting a new conciliation process. When he was told that case number was closed, he started a new conciliation. This does not support an inability to understand, and the Claimant was able to communicate with ACAS to start the new conciliation process.
- 38) Further, the Claimant did not suggest that his mental health was a factor in his late submission when he contacted the Tribunal having realised that he had made an error with the time limit. The 2 October 2025 correspondence to the Tribunal refers only to the Claimant not knowing about the time limit. The 4 October 2025 correspondence does not state that the misunderstanding was due to ill health, but rather lists a number of negative consequences of the Claimant’s dismissal, including stress and depression.

- 39) The Claimant has suggested that he was not able to submit a claim until his blood pressure medication started to work. However, the Claimant was able to start a dialogue with the Respondent about the unfairness of his dismissal prior to him starting to take the new medication, indicating that his physical medical condition was not preventing him from engaging with these issues.
- 40) Whilst the Claimant has been affected by the loss of his job, as well as worry about his physical health, taking into account the contemporaneous evidence, I conclude that the reason that the Claimant did not submit his claim in time was because he was mistaken as to the correct time limit for submitting a claim. I do not find that this was caused by stress or depression or other illness. It was a simple error.
- 41) I have therefore considered whether lack of knowledge of time limits meant that it was not reasonably practicable for the Claimant to have brought his Claim in time. Or in other words, was his ignorance of the time limit reasonable? Ignorance of the time limit, without more, does not of itself render it not reasonably practicable to present a claim in time.
- 42) I have considered whether the fact that the Claimant's first language is not English would have made it not reasonably practicable to have brought his claim in time. However, the Claimant was able to use Google Translate and clearly had access to the internet. He was aware that ACAS conciliation needed to be started before bringing a claim, he was asked by ACAS whether he intended to bring a claim, and he asked ACAS what they thought his prospects of success would be. He therefore knew that he had the right to bring a claim.
- 43) I conclude that it was incumbent on the Claimant to check the time limits for bringing a claim. He was in communication with ACAS and could have asked about time limits, or searched online. This is not a case where ACAS has given incorrect information. He was able to use the internet, he found information online previously, and to the extent that he needed to, was able to use Google Translate. He could reasonably have found out about the time limits.
- 44) The test for whether it was reasonably practicable to bring a claim in time is an objective test. Sympathy for the Claimant is not a factor. In this case, I do have sympathy for the Claimant, but unfortunately that is not a basis for extending time in an unfair dismissal case.
- 45) I conclude that it was reasonably practicable for the Claimant's Claim to have been brought in time. In light of my finding that it was reasonably practicable to present the claim in time, it is not necessary to consider whether the claim was brought within a further reasonable period.
- 46) The Claimant's Claim is therefore dismissed, as the Tribunal does not have jurisdiction to hear it.

---

Employment Judge Youngs  
Date: 24 April 2026

JUDGMENT & REASONS SENT TO THE PARTIES ON  
15 May 2026

Jade Lobb  
FOR THE TRIBUNAL OFFICE

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://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/>