



EMPLOYMENT TRIBUNALS

Claimant: Mr O B Mulame

Respondent: Toolstation Limited

Heard at: Liverpool (by video hearing)

On: 9 July 2026

Before: Employment Judge Buzzard

REPRESENTATION:

Claimant: No Appearance

Respondent: Ms L Randall (in house lay representative)

JUDGMENT

The claim is dismissed pursuant to rule 47 of the Employment Tribunal rules of procedure 2024 because the claimant failed to attend the hearing at the listed time.

REASONS

1. The claimant did not log into the hearing at 10am, the listed start time. The claimant did not respond to a telephone call from the Tribunal clerk at 10am. The claimant was then sent an email by the Tribunal clerk following the failed telephone contact. After waiting 20 minutes the Tribunal clerk confirmed that there had been no response from the claimant to his email.
2. This was the second hearing that the claimant had not appeared at. At the previous hearing the claimant was contacted when he failed to attend. On that occasion the claimant stated that he was attending a medical appointment and that he was seeking a postponement of the hearing. That postponement was granted. Following that hearing the claimant was ordered to provide proof of that appointment and when it was scheduled. He has not complied with that order. No evidence relating to that medical appointment has been provided by the claimant.

3. The claim appears to have been presented outside the time limit for a claim of unfair dismissal. This hearing (and the previous postponed hearing) were listed to determine if the claim should be dismissed because it is time barred.
4. This is a claim of unfair dismissal. The time limit for such a claim requires the claimant to have commenced ACAS early conciliation within three months of the date of his dismissal, unless it was not reasonably practicable for him to do so. For an unfair dismissal claim an extension of time can only be granted by the Tribunal where the claimant proves that he could not reasonably practicably have presented his claim in time. Even if this is proved, the claimant has to show that the further time then taken was no more than that reasonably required to present the claim.
5. Whether the claim is one that has merit is not relevant to these time limit issues.
6. The claimant himself states in his claim form that he appealed against his dismissal on 6 February 2025. Accordingly, that appears to be the latest date that he could argue he became aware that he had been dismissed. This is the therefore the latest date from which the claimant could argue the three month time limit should be counted. It is noted that the respondent states that the date of dismissal was actually 5 February 2025.
7. The claimant did not approach ACAS until 9 May 2025. That is more than three months after 6 February 2025. If ACAS conciliation is commenced near the end of the three month time limit, a claimant is granted up to one month from the date that the ACAS conciliation ended to submit a claim. Having concluded ACAS conciliation on 20 June 2025, the claimant then waited more than a month to present his claim, which was presented on 23 July 2025. Accordingly, even if the claimant could prove that it was no reasonably practicable to commence ACAS conciliation in time, it is unclear how the claimant could then argue that waiting in excess of one month from the date that conciliation ended to present his claim could be argued to be no longer than reasonably required.
8. Despite this being the second hearing listed to determine whether the claimant's claim was presented in time, the claimant appears to have still provided no indication of why it was not reasonably practicable for him to present his claim in time, and even if so, why he then waited over a month after the conclusion of the ACAS process to present his claim. On this basis, it appears, on the basis of the documents and pleadings available, that the claim is likely to be dismissed because it was presented late and outside the jurisdiction of the Employment Tribunal to consider in any event. To postpone the hearing for a second time in that circumstance would be entirely disproportionate and unfairly prejudicial to the respondent.
9. For this reason, the claim is dismissed pursuant to rule 47 of the Employment Tribunal Rules of Procedure 2024 because the claimant failed to attend the hearing at the appointed hearing start time.

10. The respondent's representative confirmed that no application for a costs or preparation time order to be made against the claimant in relation to the last postponed hearing was being made at this hearing. For the avoidance of any doubt, this does not prevent the respondent making such an application within the time limits that apply to any such application as set out in the Employment Tribunal rules of procedure.

Approved by:

Employment Judge Buzzard

9 July 2026

JUDGMENT SENT TO THE PARTIES ON:

3 September 2026

FOR THE TRIBUNAL:

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Notes

All judgments (apart from judgments under Rule 51) and any written full reasons for judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimant(s) and respondent(s).

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/