



EMPLOYMENT TRIBUNALS

Claimant: Miss. D. Yeaman
Respondent: Brighton and Hove City Council
Considered at: London South
On: 8th August 2026
By: Employment Judge Sudra

JUDGMENT on RECONSIDERATION

The Claimant's application for reconsideration of the decision to reject the claim, sent on 29th July 2026 is **REFUSED** and the decision is confirmed.

Application

1. The Respondent applied, under Rule 69 of the Employment Tribunal Procedure Rules 2024, for reconsideration of the Tribunal's decision.
2. The Claimant, on 31st July 2026, has applied for a reconsideration of the decision as she says:

'On the final day for presenting my interim relief application, I was actively completing the online submission before the statutory deadline expired. Shortly before midnight, the Tribunal portal would not accept my Word document, so I converted the application to PDF, after which I immediately uploaded it and completed the online submission.

The online portal then confirmed "Your claim has been submitted", allocated a submission reference and displayed "Claim submitted: 23 July 2026." The automatically generated confirmation email was received at 00:00 and the generated ET1 bears the date 24 July. I respectfully submit that those automatically generated documents may not necessarily record the precise time at which the application was presented to the Tribunal's electronic filing system'.

REASONS

Relevant Law

3. S.128(2) of the Employment Rights Act 1996 ('ERA') provides that,

'The tribunal shall not entertain an application for interim relief unless it is presented to the tribunal before the end of the period of seven days immediately following the effective date of termination (whether before, on or after that date)'.

4. In the judgment of Hammond v. Haigh Castle & Co Ltd [1973] IRLR 91 it was clarified that ***'...we have been asked to express our opinion on the meaning of the word 'presented'. In our judgment a claim is presented to a Tribunal when it is received by the Tribunal whether or not it is dealt with immediately upon receipt'***. (My underlining).

5. The Employment Appeal Tribunal ('EAT') warned of the dangers of leaving presentation of a complaint (or in this case an application) to the very last minute. In Fishley v. Working Men's College UKEAT/0485/04 (Bean J), it was held that,

'it is the common experience of anyone who has tried to operate a computer, a printer, or a fax machine, that they are temperamental creatures and one cannot rely on success first time within a few minutes. We think that if the presentation of an Originating Application is left to the very last moment, then a temporary impediment, such as the breakdown of a piece of office equipment or something of that kind is one of the risks of life which has to be taken'.

6. The EAT in Miller v. Community Links Trust Ltd UKEAT/0486/07 (which followed Beasley v. National Grid Electricity Transmissions UKEAT/0626/06) held that where it had been reasonably practicable for the claim to have been presented in time, the Tribunal was correct to reject it for being presented nine seconds out of time.

Conclusions

7. The Claimant has failed to advance any argument as to why it was not reasonably practicable to present her application within time. Time limits are applied strictly in the Employment Tribunal and presentation of a complaint out of time, albeit by seconds, is not permissible unless a Claimant can establish that it was not reasonably practicable to present it in time.
8. It is accepted by the Claimant that she waited until the final day to present her application and did so, very near to midnight. The ET1 records that the claim was received on '24-07-2026.' That is the date which is relevant. In the absence of any explanation as to why it was not reasonably practicable for the Claimant to present her application before the very last possible moment, or just before it is too late, there is no cogent reason to extend time.

9. Technical malfunctions, unfortunately, are not uncommon and a person seeking to exercise a right must be diligent in doing so; this includes allowing for unforeseen eventualities.
10. There is no reason to revoke the original decision and for all of the above reasons, the Claimant's application is refused.

Employment Judge Sudra

Date: 4th August 2026

Sent to the parties on:
5 September 2026

For the Tribunal Office:

P Wing