



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE MORTON

BETWEEN:

Mrs V Gibbings

Claimant

AND

Outstanding Branding

Respondent

ON: 5 January 2018

Appearances:

For the Claimant: No appearance

For the Respondent: Mr A MacPhail, Counsel

JUDGMENT

1. The Claimant 's claims of disability discrimination, breach of contract and unlawful deduction from wages were not presented within the relevant statutory time limits set out in s 123 Equality Act 2010, Article 7 Employment Tribunals (Extension of Jurisdiction) Order 1994 and s23 Employment Rights Act 1996 respectively.
2. The Claimant has not shown that it would be just and equitable to extend the time limit in respect of her claim of disability discrimination or that it was not reasonably practicable for her to present her claims of breach of contract or unlawful deductions from wages within the relevant time limits.
3. The Tribunal therefore has no jurisdiction to determine her claims which are hereby dismissed.

Reasons

1. The Claimant did not attend the hearing and I therefore needed to consider whether to proceed in her absence. There was no correspondence from her on the Tribunal file and attempts by the Tribunal to contact her on her mobile phone were unsuccessful. I asked Mr MacPhail whether his instructing solicitors had had any contact with the Claimant in the period preceding the hearing and he confirmed that they had had not contact with her at all since her claim form was presented.
2. I considered that in the absence of any contact from the Claimant or any explanation as to why she had not attended the hearing, it would not be just to the Respondent, or in accordance with the overriding objective, to postpone the hearing and that I would therefore proceed. If there had been a compelling reason for the Claimant's non-attendance she would be able to seek a reconsideration of any decision I reached in her absence.
3. The Claimant presented her claims on 7 September. In her claim form she confirmed that her employment had ended in March. The Respondent produced copies of correspondence confirming that 31 March was the last day of her employment. He also showed me two payslips, one of which showed that the last salary payment made to the Claimant was on 31 March 2017 and the other of which showed that a payment in respect of accrued holiday was made on 30 April 2017.
4. The claimant first contacted ACAS on 19 July 2017, which was itself outside the relevant time limits in respect of the disability discrimination claim and any claim in respect of payments other than holiday pay.
5. ACAS conciliation ended on 24 July 2017. The Claimant therefore left it more than six weeks after that date before presenting her claims. Her claim form provides no explanation as to why she did not adhere to the time limits either in approaching ACAS in the first place, or presenting her claim to the Tribunal thereafter.
6. It appears from the Claimant's claim form that she has a history of ill health. However in the absence of any explanation at all as to why the time limits were not adhered to in this case there is no basis upon which I am able to extend them.
7. I therefore conclude that the Tribunal has no jurisdiction to hear the Claimant's claims and they are therefore dismissed.

Employment Judge Morton

Date: 5 January 2018