



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr M Dabbs

AND

Respondent
Walsall NHS Trust

JUDGMENT OF THE EMPLOYMENT TRIBUNAL ON AN OPEN PRELIMINARY HEARING (hearing type code "V")

HELD AT Birmingham **ON** 22 December 2020

EMPLOYMENT JUDGE Dimbylow

Representation

For the claimant: In person

For the respondent: Ms J Smeaton, Counsel

This hearing took place against the background of the coronavirus pandemic; and was conducted in part remotely by video platform in accordance with safe practice and guidelines. The claimant was present, but Ms Smeaton participated remotely via CVP.

JUDGMENT

1. The claimant's application to amend his claim form to include a claim for constructive unfair dismissal is granted, as it is just, fair and proportionate to do so.
2. The claimant's employment with the respondent came to an end with his resignation by letter delivered to the respondent on 27 August 2019; but only opened by the respondent on 30 August 2019. The effective date of termination of the contract of employment was on 30 August 2019.
3. The claimant's claims for both unfair dismissal and constructive unfair dismissal were out of time when the claim form was presented to the tribunal office on 18 January 2020. The claimant failed to demonstrate to me on the balance of probabilities that it was not reasonably practicable for him to have presented his complaint to the tribunal before the end of the period of 3 months

from the effective date of termination of his contract of employment. I do not extend the time. Therefore, the tribunal has no jurisdiction to hear the claimant's claims and they are dismissed.

Employment Judge Dimbylow
22 December 2020

Note: Reasons for the judgement having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.