



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Pickering  
**Respondent:** AA Cleaning Services South Limited  
**Heard at:** East London Hearing Centre  
**On:** 12 April 2021  
**Before:** Employment Judge Russell

**Representation**  
**Claimant:** Did not attend  
**Respondent:** Ms M Gipson (Director)

## JUDGMENT

1. The claims of wrongful dismissal and for unpaid wages were presented outside of the statutory time limits and the Tribunal does not have jurisdiction to hear them.
2. All claims are dismissed.

## REASONS

1. By a claim form presented on 4 September 2020, the Claimant brings claims of wrongful dismissal and for unpaid wages because he was not placed on furlough. ACAS Early Conciliation took place between 31 July 2020 and 28 August 2020. The Respondent resists all claims.
2. The Claimant did not attend today's hearing. On reading the file, I am satisfied that he was sent the Notice of Hearing and was aware that the hearing was taking place today by telephone. Three unsuccessful attempts were made to telephone him on the mobile number provided by him on the ET1. The clerk checked the Tribunal records and no messages had been received from the Claimant.
3. At 12.10pm an email was sent to the Claimant at the address given by him on the ET1, advising that the Tribunal would make a further attempt at 12.15pm and would proceed in his absence if there was no reply. At

12.15pm, two more calls to the Claimant were unsuccessful. In the circumstances, I decided that it was in the interests of justice to proceed in his absence.

4. In his claim form, the Claimant gave the effective date of termination as 16 March 2020. Ms Gipson agrees that this was the date that the employment ended when she informed her employees that due to the effect of the Covid-19 pandemic lockdown, she would not be able to continue to pay them and that they should sign on. Ms Gipson sent employees including the Claimant a P45.
5. As a result, the primary time limit for commencing ACAS Early Conciliation was 15 June 2020. Conciliation did not start until 31 July 2020 and the claims were presented on 4 September 2020, 5 and a half months after dismissal. The claims are out of time.
6. The Claimant has not put forward any reason why it was not reasonably practicable to have presented his claims in time. It is not appropriate to exercise my discretion to extend time.
7. The claims are dismissed as the Tribunal lacks jurisdiction to hear them.

**Employment Judge Russell**  
**Date: 13 April 2021**