

THE INDUSTRIAL TRIBUNALS

CASE REF: 5967/18

CLAIMANT: Mark Anthony Young

RESPONDENT: Brett Martin

DECISION ON A PRE-HEARING REVIEW

The decision of the tribunal is that the claim is out of time and there are no grounds upon which the time limit can be extended. The claim is therefore dismissed for want of jurisdiction.

Constitution of Tribunal:

Vice President (sitting alone): N Kelly

Appearances:

The claimant did not appear and was not represented.

The respondent was represented by Ms Kathryn O'Lone, Engineering Employer's Federation.

1. The claimant was dismissed following misconduct proceedings on 12 September 2017.
2. The claimant lodged a claim alleging unfair dismissal on 25 May 2018.
3. That claim was significantly outside the statutory three month time limit contained within the Employment Rights (Northern Ireland) Order 1996.
4. The matter was subject to a Case Management Discussion on 15 August 2018. The claimant did not appear and was not represented at that Case Management Discussion.
5. A Direction issued at that Case Management Discussion to hold a Pre-Hearing Review on 11 September 2018 to determine;
 - (i) whether the claim was lodged in the tribunal outside the statutory time limit of three months and, if so, whether time should be extended?
 - (ii) Whether the tribunal has jurisdiction therefore to hear the claim and, if not, whether the claim should be struck out for want of jurisdiction?

- (iii) If the claim was made within time, or if time was extended, whether the claim has little reasonable prospect of success and, if so, whether the claimant should be ordered to pay a deposit of up to £500 before he is permitted to proceed further with the claim?
6. The claimant did not attend and was not represented at the Pre-Hearing Review on 11 September 2018.
 7. He had sought a postponement of the hearing by email dated 7 September 2018 at 11.05 am. He asked for a postponement on the basis that he was due to start a new job on 10 September in Dublin. That application for a postponement was refused on the basis that it was made too late and also that it was made without any supporting evidence.
 8. The claim is clearly significantly without time. There was nothing in the claim form or elsewhere in correspondence which could justify any extension of the time limit on the “reasonably practicable” ground. No evidence has been produced on behalf of the claimant seeking such an extension.
 9. The claim is therefore struck out as being out of time, for want of jurisdiction.

Vice President:

Date and place of hearing: 11 September 2018, Belfast.

Date decision recorded in register and issued to parties: