



EMPLOYMENT TRIBUNALS

Claimant: Miss N Khwaja
Respondent: Oasis Community Learning

AT A PRELIMINARY HEARING

Heard at: Leeds **On:** 21st January 2019
Before: Employment Judge Lancaster

Representation

Claimant: Did not attend
Respondent: Mr K McNerney, counsel

JUDGMENT

The claim is dismissed

REASONS

1. The Claimant did not attend and could not be contacted by telephone on the morning of the hearing.
2. The Claimant has failed to comply with any of the orders made at the last preliminary hearing on 15th October 2018.
3. The Claimant has not made any contact with the Tribunal since that last hearing.
4. The last communication from the Claimant to the Respondent's solicitors is dated 17th November 2018.
5. On 3rd December 2018 the Respondent emailed the Tribunal, copying in the Claimant, applying to strike out her claim for failure to comply with the directions timetable, which should have ended with the submission of her witness statement on 10th December 2018. The Claimant has never responded to that application despite the Tribunal having also expressly invited her comments by letter dated 14th January 2019.
6. The issue for determination at this hearing is whether the Tribunal has jurisdiction to hear any of the claims. The complaints are all on their face significantly out of time. The 3 month primary limitation period, running from the effective date of termination, expired on 11th October 2017. The Claimant did not commence ACAS Early Conciliation until 27th November 2017 and the certificate was issued on 27th December 2017. The claim was not presented until 29th August 2018.
7. The Claimant has not attended to provide any explanation as to why time should be extended. Nor has she disclosed any evidence, medical or otherwise, in support of any application that it was not reasonably practicable to have presented her claim in time,

Case: 1809990/2018

or in the case of any discrimination complaints that it would be just and equitable to allow them to proceed.

8. In the absence of any argument or evidence in support of an extension the entire claim is necessarily dismissed as being out of time pursuant to rules 37 and 47 of the Employment Tribunals Rules of Procedure 2013.

EMPLOYMENT JUDGE LANCASTER

DATE 21st January 2019

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