



# EMPLOYMENT TRIBUNALS

**Claimants:** Miss R Fox

**Respondent:** Kettlebell Kitchen Ltd (in creditor's voluntary liquidation)

**HELD AT:** Manchester

**ON:** 6 January 2020

**BEFORE:** Employment Judge Tom Ryan

**Appearances:**

**Claimant:** In person

**Respondent:** No attendance, response not entered

## JUDGMENT

The judgment of the tribunal is that:

It does not have jurisdiction to determine the claimant's complaint of unauthorised deductions from wages.

## REASONS

1. By a claim form presented to the tribunal on 26 September 2019 the claimant brought a complaint for arrears of wages in the sum of £416 which she alleged was owing to her when her employment ended on 1 December 2018.
2. Before presenting the claim, the claimant had entered into early conciliation on 11 December 2018 and a certificate was issued on 11 January 2019.
3. The claimant informed me that during the process of reconciliation the respondent had agreed that the sum of £416 was owing to her and said that it would be paid.
4. However, when it was not paid the claimant did not act promptly in bringing the claim to the tribunal. Subject to the extension of time afforded by early conciliation such a claim had to be presented within three months of the date when the unpaid wages ought to have been paid to her.

5. Viewing the matter in the claimant's favour, it could be said that the respondent could be expected to have paid the sum owed at the end of January 2019.
6. If the claim had been brought in time that is to say on or before 29 April 2019 I could have found that the tribunal had jurisdiction.
7. The claimant, as she frankly acknowledged, had no real reason to advance in support of an argument that it was not reasonably practicable for her to bring the complaint to the tribunal in the period beginning with 29 April 2019 and 26 September 2019 when the claim was presented.
8. It followed that I had no discretion to grant an extension of time in this case and so notwithstanding that I was satisfied that the merits of the claim were made out I had, perforce, to dismiss it.
9. In doing so I noted that the claimant may nonetheless apply to the Secretary of State for a payment out of the National Insurance Fund pursuant to sections 182 to 187 of the Employment Rights Act 1996.

Employment Judge

Dated 6 January 2020

JUDGMENT SENT TO THE PARTIES ON

20 January 2020

FOR THE TRIBUNAL OFFICE

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