



# EMPLOYMENT TRIBUNALS

**Claimant:** Evan Ashton

**Respondent:** Transport for Wales Ltd

**Heard at:** Cardiff; by video

**On:** 22<sup>nd</sup> November 2024

**Before:** Employment Judge A Williams

## Appearances

For the Claimant: No attendance

For the Respondent: Gavin Dando, Solicitor

## Preamble

1. I conducted a preliminary hearing in public by video on the above date to consider the issue of time limits.
2. The Claimant did not attend. All practicable enquiries about the reasons for the Claimant's absence were made in accordance with Rule 47 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013. The Tribunal e-mailed the Claimant using the e-mail address on the ET1 form, but no response was received. The Tribunal had no contact number on file for the Claimant. I also allowed an additional 15 minutes for the Claimant to attend prior to starting the hearing.

3. The Respondent informed the Tribunal that it had made several attempts to communicate with the Claimant since the presentation of the ET1, but had received no response. I could see nothing in the Tribunal's records that would show the Claimant had contacted the Tribunal during that time.
4. I was satisfied that the Notice of Hearing dated 28<sup>th</sup> October 2024 had been sent to the Claimant's correct address as noted on the ET1 form.
5. In light of all of the above I was satisfied that it was in the interests of justice to proceed in the absence of the Claimant having considered all of the information available to me, in accordance with Rule 47.
6. I was satisfied that even accepting the Claimant's case on the ET1 form as to the effective date of termination, 15<sup>th</sup> April 2024, the claim was out of time. The Claimant contacted ACAS on 11<sup>th</sup> July 2024 and the ACAS certificate was dated 15<sup>th</sup> July 2024. The final limitation date therefore was 15<sup>th</sup> August 2024. The claim was not presented until 21<sup>st</sup> August 2024.
7. The Notice of Hearing required the parties to file any evidence on which they propose to rely 14 days prior to today's hearing. The Claimant did not file any evidence. In the absence of any evidence or explanation from the Claimant as to why the claim was not brought in time, I could not be satisfied that it was not reasonably practicable to bring the claim in time.

# PRELIMINARY HEARING IN PUBLIC

## JUDGMENT

1. The claim was not presented within the applicable time limit. It was reasonably practicable to do so. The claim is therefore dismissed.

***EJ A Williams***

Employment Judge A Williams

**DATE 22<sup>nd</sup> November 2024**

Sent to the parties on:

04 December 2024

For the Tribunal Office:

Katie Dickson