

# THE INDUSTRIAL TRIBUNALS

CASE REFS: 7699/19  
7701/19  
7702/19  
7704/19  
7705/19  
7706/19  
7708/19  
7709/19  
7710/19  
7711/19

**CLAIMANTS:** Gary John Douglas & Others

**RESPONDENTS:** 1. Gibson Transport + Storage Ltd  
2. Department for the Economy

## DECISION

The unanimous decision of the tribunal was delivered orally with reasons at the conclusion of the hearing. The claims are all out of time and time cannot be extended. All claims are therefore dismissed.

## CONSTITUTION OF TRIBUNAL

**Vice President:** Mr N Kelly

**Members:** Mr A Huston  
Mr A White

## APPEARANCES:

Four claimants attended in person and were unrepresented ie Nicholas Gibson, Tanya Agnew, Samuel Dunlop and Stephen Ross.

The other claimants did not attend and were unrepresented.

The first-named respondent was represented by Mr Mark Mason of Mark Mason Employment Law.

The second-named respondent was represented by Mr Matthew Corkey, Barrister-at-Law, instructed by the Departmental Solicitor's Office.

1. The claims were all dismissed as out of time at the conclusion of the hearing on 10 December 2019.

2. Reasons were given orally at the conclusion of that hearing.
3. The claimants were all made redundant by their original employer on 27 July 2018.
4. Each applied for payment from the National Insurance Fund from the second-named respondent.
5. Those payments were refused by the second-named respondent by letters dated 31 October 2018. Those letters stated in clear terms that an appeal against such a decision had to be made to the Industrial Tribunal within three months of the date of that letter. The claimants were reminded of the availability of forms and directed to the correct website. The present claims are appeals against the decisions to refuse payments.
6. An employee of the first-named respondent printed forms from the website for the Employment Tribunals in Great Britain. That employee completed most of those forms and each of the claimants signed those forms and provided any additional information that was required.
7. Those forms were sent by that employee to the Redundancy Payments Branch in the Department on 11 January 2019. There were not sent to the tribunal as required.
8. The Department eventually realised that it had original forms in its possession and forwarded them to the tribunal on or about 22 March 2019.
9. The claims were significantly out of time.
10. Article 233 of the Employment Rights (Northern Ireland) Order 1996 provides that any appeal against a decision not to provide a payment out of the National Insurance Fund must be made to the Industrial Tribunal, and not to anyone else. It also provides that an Industrial Tribunal shall not consider a complaint unless it is presented within three months or within such further period as the tribunal considers reason if it had not been reasonably practicable to have presented that claim within time.
11. In all the circumstances of the case it had clearly been reasonably practicable for each of the claimants, either singly or collectively, to have presented their claims within time to the tribunal.
12. On that basis the claims are struck out as out of time and time cannot be extended.
13. All claims are therefore dismissed.

**Vice President:**

**Date and place of hearing: 10 December 2019, Belfast.**

**Date decision recorded in register and issued to parties:**