

# THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL

CASE REF: 16465/20

**CLAIMANT:** Noel Reid

**RESPONDENT:** GMB

## JUDGMENT ON A PRELIMINARY ISSUE

The Judgment of the tribunal is that the claim against the GMB is dismissed as being out of time and therefore outside the jurisdiction of the tribunal.

### CONSTITUTION OF TRIBUNAL

**Vice President (sitting alone):** Mr N Kelly

### APPEARANCES:

**The claimant did not appear but had submitted written representations.**

**The remaining respondent was represented by Ms S Agnew, Barrister-at-Law, instructed by O'Hare's Solicitors, who attended by WebEx.**

1. The Judgment was issued as an oral decision following consideration of the claimant's written representations and submissions made on behalf of the remaining respondent by Ms Agnew together with evidence from Ms Denise Walker.
2. This was a claim made on 5 May 2020 alleging unjustifiable discipline on the part of the defendant trade union. The claimant alleged that he had been subject to unjustifiable discipline on 16 December 2019.
3. The claim therefore should have been lodged no later than 16 March 2020.
4. Nothing in the claimant's submissions provided any basis on which this tribunal could properly conclude that it had not been reasonably practicable for the claimant to have submitted his claim either within the time limit or at any stage earlier than 5 May 2020. It is apparent that the claimant attended the meeting on 16 December 2019 with a prepared typed letter of resignation which he submitted before any motion to discipline him had progressed. It is also apparent that he was

advised that he could make an internal complaint using the GMB rule book but that he failed to do so. It is also apparent that he only gave any thought to a tribunal claim at a much later stage when the time limit had already elapsed and that his application for an extension of time was based on nothing other than a failure on his part to research his rights at a much earlier date or to seek proper advice at a much earlier date.

5. The claim against the remaining respondent was therefore dismissed for want of jurisdiction as out of time.



**Vice President:**

**Date and place of hearing: 19 April 2021, Belfast by WebEx.**

**This judgment was entered in the register and issued to the parties on:**