

# THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL

CASE REF: 22995/19

**CLAIMANT:** Conor McVeigh  
**RESPONDENT:** Chieftain Trailers Ltd

## JUDGMENT ON A PRELIMINARY ISSUE

The judgment of the tribunal is that the claimant's claims are dismissed in their entirety.

### CONSTITUTION OF TRIBUNAL

**Employment Judge (sitting alone):** Employment Judge Greene

### APPEARANCES:

**The claimant was neither in attendance nor represented.**

**The respondent was represented by Mr Paul Lenaghan, in-house counsel for the respondent.**

1. The claimant lodged claims for unfair dismissal and breach of contract on 9 October 2019 in relation to his dismissal which occurred on 19 April 2019. The respondent entered a defence in which it disputed the claimant's claims in their entirety and as part of its defence alleged that the claimant's claims were brought outside the time permitted by statute.
2. At a Preliminary Hearing on 31 January 2022 I directed that a Preliminary Hearing would be convened to consider the following preliminary issues:-
  - (1) *Whether the tribunal has jurisdiction to entertain the claimant's claims of unfair dismissal and breach of contract by reason of the claims having been brought outside the applicable time-limits?*
  - (2) *If not, should time be extended to confirm jurisdiction on the tribunal and to enable the claimant to continue with his claims?"*
3. The Preliminary Hearing was listed for 28 February 2022 in Killymeal House but it was transferred to Adelaide House.

4. At the hearing on today the claimant was not in attendance nor represented nor had he made any representations to the tribunal in advance of the hearing on today.
5. I was satisfied that the claimant had been notified of today's hearing and I proceeded with the Preliminary Hearing.
6. The tribunal heard evidence from Constable McCartney of the PSNI in relation to a prosecution for theft against the claimant which related to matters which were the subject of his dismissal by the respondent. I am satisfied that the criminal prosecution relates to the same matters that are the subject of the dismissal by the respondent.
7. I was satisfied on the evidence before that both claims were brought outside the applicable statutory time-limits and in order that the claims could continue the claimant would need the exercise by the tribunal of the discretion to extend the time within which he can bring his claims.
8. In the absence of any evidence from the claimant to show that it was not reasonably practicable for him to bring his claims within the applicable three months and that he brought his claims within such further period as is reasonable I was satisfied that the discretion could not be exercised in the claimant's favour.
9. The claimant's claims are therefore out of time and the tribunal does not have jurisdiction to entertain them.
10. I therefore dismiss the claimant's claims in their entirety.
11. Full reasons were given for my judgment at the tribunal.

**Employment Judge:**

**Date and place of hearing: 28 February 2022, Belfast.**

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