

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

Employee

MN582/2006

UD879/2006

WT290/2006

against

Employer

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001 ORGANISATION OF WORKING TIME ACT, 1997 UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey BL

Members: Mr. D. Winston
Mr G. Lamon

heard this claim at Dublin on 7th March 2007

Representation:

Claimant(s): The claimant in person

Respondent(s): XXXX

The determination of the Tribunal was as follows:-

Preliminary Issue

The claimant's T1A form was received in the Tribunal on the 18 August 2006, which was outside the requisite time for lodging a claim.

Claimants' Case

The claimant told the Tribunal that he resigned from the respondent company on 20 January 2006. He then sought alternative employment in the following six months and he claimed unemployment benefit. He was aware of an extension of six months in submitting the claim and he took time to complete the T1A form. He had to get on with his life as well. He completed and lodged the application form himself. He did not consult a trade union representative or a solicitor in relation to completing the form. He needed this time to complete the form and he had to work it out. As far as he could recollect he may have gone to a doctor on one occasion as he was suffering from stress

In cross-examination the claimant stated that he started to complete the form in February 2006 and he signed it on 1 August 2006. He resigned from the respondent and he made up his mind to leave prior to 20 January 2006. The claimant recently underwent an eye test and he was prescribed reading glasses. The claimant was not taking medication.

Determination on Preliminary Issue

The claims under the Organisation of Working Time Act, 1997 and the Minimum Notice and Terms of Employment Acts, 1973 to 2001 were withdrawn. The Tribunal has to decide whether there were exceptional circumstances, which prevented the claimant from lodging his appeal within the requisite six-month period. The claimant told the Tribunal that he was somewhat stressed. However there is nothing exceptional about that as people are often in that situation after finishing in employment. The claimant only went to a doctor once early on and was not on medication so it was clearly not stress that required any medical intervention. Time limits are there for a reason and the claimant was aware of the time limit and took extra time. While the Tribunal is sympathetic to the claimant and the situation that he found himself in, in the circumstances the Tribunal cannot allow an extension as it has to be mindful with regard to both sides in any case. The Tribunal therefore does not have jurisdiction to hear the claimant's case under the Unfair Dismissals Acts, 1977 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

