

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee

UD323/2006

against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B.L.

Members: Mr. P. Pierson
Mr. J. Moore

heard this claim at Cavan on 29 March 2007

Representation:

Claimant:

Mr. Jim Mullery, SIPTU Branch Secretary,
3 /4 Old Cross Square, Monaghan

Respondent:

XXXX

The determination of the Tribunal was as follows:

Determination:

Following submissions from both parties the Tribunal is satisfied that, by virtue of taking a case involving her dismissal before a Rights Commissioner under the Industrial Relations Acts, 1969 to 2001, the claimant is prevented from taking a claim before the Tribunal under the Unfair Dismissals Acts, 1977 to 2001. Section 8 (10) (b) of those Acts provides that *where in relation to a dismissal, a recommendation has been made by a rights commissioner, or a hearing by the Labour Court under the said (Industrial Relations) Acts has commenced, the employee concerned shall not be entitled to redress under this Act in respect of the dismissal.* Accordingly it must follow that the Tribunal has no jurisdiction to hear the claim under the Unfair Dismissals Acts, 1977 to 2001.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)