EMPLOYMENT APPEALS TRIBUNAL

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CLAIM(S) OF:

CASE NO.

Employee

UD660/2006

Against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal (Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr. R. Prole Mr F. Barry

heard this claim at Dublin on 12th February 2007

Representation:

- Claimant(s): Mr. Michael Connellan BL instructed by David Walsh & Co., Solicitors, Mount Street, Mullingar, Co. Westmeath
- Respondent(s): Mr. David Gilvarry BL instructed by O'Donohoe, Solicitors, 11 Fairview, Dublin 3

The determination of the Tribunal was as follows:-

Determination

At the hearing the claimant agreed with the respondent that her employment ended on 31 May 2005 more than one year before the claim was lodged with the Tribunal in which event the claim would have been statute barred.

According to the T1A filed on her behalf her employment ended on 23 June 2005. The claimant and her Counsel were unable to explain or justify this later date, but at the special request of Counsel the Tribunal asked the claimant's solicitor to allow the opportunity to justify the later date.

In post hearing correspondence the claimant's solicitor failed to provide any such justification.

Accordingly the claim under the Unfair Dismissals Acts, 1977 to 2001 is out of time and therefore the Tribunal does not have jurisdiction to hear the claim.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) (CHAIRMAN)