

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
Employee

CASE NO.  
UD584/2006

against the recommendation of the Rights Commissioner in the case of:

Employee

-v-

Employer

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr L. Ó Catháin  
Members: Mr J. Killian  
Ms H. Kelleher

heard this appeal at Waterford on 3rd September 2007

#### Representation:

Appellant(s) :

Ms. Karen Smollen, Branch Official, SIPTU, Security Branch,  
Liberty Hall, Dublin 1

Respondent(s) :

XXXX

The determination of the Tribunal was as follows:

#### **Background:**

This appeal is before the Tribunal by way of an employee appealing the Recommendation of a Rights Commissioner (ref: r-038935-ud05/TB).

As the employee did not submit a claim to the Rights Commissioner within six months, as set out in the Principle Act, he therefore had to satisfy the Rights Commissioner that exceptional circumstances prevented him lodging his claim and the Rights Commissioner could then extend the time limit to twelve months as set down in the Unfair Dismissal Amendment Act, 1993.

The Rights Commissioner found that there were no exceptional circumstances and that he did not have Jurisdiction to hear the claim.

**Determination:**

The Tribunal heard the submissions of the parties and after a recess, when the matter was discussed, the Tribunal found that the Rights Commissioner was correct in his Recommendation in that no exceptional circumstances existed to extend the time allowed to submit a claim under the Unfair Dismissals Acts, 1977 to 2001. Accordingly, the Tribunal dismiss the appeal and uphold the Recommendation of the Rights Commissioner.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)

