

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
Employee

CASE NO.
UD633/2007

against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath BL

Members: Mr D. Moore
Ms. E. Brezina

heard this claim at Dublin on 22nd November 2007

Representation:

Claimant: In person

Respondent: Mr. Ken Stafford, 7 Castletown Court,
Celbridge, Co. Kildare

Preliminary Point:

In the above case the Claimant had not submitted his claim to the Tribunal within a six-month period as specified in the Act. Therefore the Claimant had to prove that exceptional circumstances prevented him lodging his claim within six months. The Tribunal could then extend the time allowed for lodgement of a claim to be extended to one year.

The determination of the Tribunal was as follows:

The onus is on the Claimant to show exceptional circumstances existed which prevented him from lodging a claim in the offices of the Employment Appeals Tribunal within six months of dismissal under the Unfair Dismissals Legislation.

We have carefully considered the evidence adduced regarding the six-month period post the termination of employment and cannot find that such exceptional circumstances existed. On his own evidence the Claimant makes the case that this was not a redundancy case even before he took a redundancy package. (The Tribunal does not criticise him for taking the package as it is accepted that employees act on instinct when put under pressure). However, if the Claimant walked out of

the door feeling aggrieved it does not make any sense to this Tribunal that he took no steps to redress that situation for initially: a six-month period, i.e. when he consulted a solicitor and thereafter a further two months passed before he lodged a form T1A.

The Tribunal is guided by precedent herein. The “Exceptional Circumstances” Rule is construed restrictively and unfortunately for him, the Claimant has failed to satisfy the Rule.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)