

EMPLOYMENT APPEALS TRIBUNAL

Claims Of:
Employee

Case No.
UD247/2007

against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. Hurley

Members: Mr. J. Hennessy
Mr. D. McEvoy

heard this claim at Clonmel on 16th May 2008

Representation:

Claimant: Mr. Declan Glynn, Teachers' Union Of Ireland, 73 Orwell Road,
Rathgar, Dublin 6

Respondent: Mr. Ian O'Herlihy, Arthur O'Hagan, Solicitors, Charlemont Exchange,
Charlemont Street, Dublin 2

The determination of the Tribunal was as follows:

Preliminary Issue:

It was submitted by the representative for the respondent that the Tribunal did not have jurisdiction to hear the claim as it was lodged outside the stipulated six-month time limit as set out under the Unfair Dismissals Acts, 1977 to 2001. The claimant was employed on a fixed-term contract from the 9 January 2006 to the 2 June 2006. The claimant was paid until this date. The claimant's T1A form was lodged to the Tribunal on the 6 March 2007.

The respondent's representative noted that the Tribunal had subsequently received written correspondence from the claimant seeking to amend the date of termination on the T1A form to September 2006.

The claimant's representative stated that the claimant had worked for the respondent during 2005 and 2006 under fixed-term contracts. Towards the end of August 2006 the claimant made a number of enquiries to the respondent concerning the renewal of her contract in September 2006. However, the claimant did not receive notice of the termination of her contract until she attended a meeting on the 9 October 2006.

Determination:

The Tribunal considered the written correspondence to its offices from the claimant dated 6 March 2007 within which the claimant sought to amend the date of termination on her T1A form to September 2006. The Tribunal noted that the claimant did not seek to amend the date of termination to October 2006.

The Tribunal also noted that the claimant's representative received letter dated 18 September 2006 from the respondent's Chief Executive Officer. This letter stated that the claimant's fixed-term contract was terminated on the 2 June 2006. The claimant had signed this contract.

The Tribunal finds that exceptional circumstances did not prevent the claimant from lodging her claim within the stipulated six-month time limit. The Tribunal therefore finds that the claim under the Unfair Dismissals Acts, 1977 to 2001, must fail for want of jurisdiction.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)