

EMPLOYMENT APPEALS TRIBUNAL

Appeals of:
Employee

Case No.
RP522/2007
WT320/2007

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Sheedy

Members: Mr. M. Forde
Mr. D. McEvoy

heard this appeal at Clonmel on 23rd July 2008

Representation:

Appellant: In person

Respondent: Mr. Vincent Turley, Human Resource Services, 1 Black Lane,
Latlurcan, Monaghan

The decision of the Tribunal was as follows:

Preliminary Issue:

At the outset of the hearing the respondent's representative stated that the appeal under the Redundancy Payments Acts, 1967 to 2003, was outside the stipulated 52-week time limit.

The Evidence:

The appellant's employment ended on the 20 October 2005. The respondent company negotiated a redundancy package with a union for a number of employees, including the appellant. Each of the employees accepted the redundancy package, except for the appellant who refused it in April 2007.

Subsequently, the appellant lodged a T1A form to the Tribunal on the 18 October 2007. It was the appellant's position that he had not lodged an appeal for redundancy before this date, as the union representative had told him that matters would be resolved. The appellant engaged different

representation. It was the respondent's case that another redundancy package was offered to the appellant through the second representative but that the appellant had rejected this offer also. It was the appellant's position that he was only aware of one offer from the company.

Determination:

The Tribunal considered the evidence adduced at hearing. The appellant failed to satisfy the Tribunal that there was reasonable cause to extend the time limit for the receipt of appeals under the Redundancy Payments Acts, 1967 to 2003, from 52 weeks to 104 weeks. Accordingly, the Tribunal does not have jurisdiction to hear the appeal.

Accordingly, the claim under the Organisation of Working Time Act, 1997 was lodged subsequent to the time period stipulated by statute and therefore the Tribunal does not have jurisdiction to hear the claim.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)