

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

CASE NO.

MN221/2007

UD333/2007

against
Employer

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001
UNFAIR DISMISSALS ACTS, 1977 TO 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. E. Daly B.L.

Members: Mr. D. Morrison
Ms. R. Kerrigan

heard this claim at Letterkenny on 21st July 2008

Representation:

Claimant(s) : Michael G. Shiel & Co., Solicitors, 13 Main Street, Letterkenny,
Co. Donegal

Respondent(s) : Mr Loughlin Deegan, IBEC, Confederation House,
84/86 Lower Baggot Street, Dublin 2

The determination of the Tribunal was as follows:-

At the outset the respondent's representative informed the Tribunal that the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 was conceded. Accordingly, the Tribunal awards the claimant the sum of €592.00, this being two weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

A preliminary issue was raised by the respondent in respect of the time limit in which the claimant had lodged her T1A form to the Employment Appeals Tribunal. The claimant commenced employment in June 2002 and was dismissed on April 5 2006. The T1A form was lodged to the EAT on March 22 2007. Evidence was adduced on this issue only.

Claimant's Case:

The claimant gave evidence. She stated that she had not submitted her T1A form to the Employment Appeals Tribunal within the period of six-months after the date of dismissal as she was afraid that the Garda National Immigration Bureau (GNIB) would find out and would be sent

home. She explained that she had been arrested on January 12 2007 in relation to her work permit. She gave evidence of the various work permits issued to her. She gave evidence that her fear of possible deportation arose on the day of her arrest. At this stage the claimant was already out of time under the Unfair Dismissals, Acts, 1977 to 2001. No further evidence was adduced in relation to exceptional circumstances which may have prevented her from lodging her claim within the six-month period.

Determination:

This claim was lodged outside of the six-month time limit from the date of termination of employment imposed by the Unfair Dismissals Acts, 1977 to 2001. There were no exceptional circumstances as described by the said Acts to cause this delay. The Tribunal, therefore, rules that it does not have jurisdiction to hear this case and the appeal necessarily fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)