

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL OF:**

**CASE NO.**

Employee

TE 112/2008

Against the recommendation/decision of the Rights Commissioner in the case of:

Employee

– v –

Employer

Employer

Employer

Employer

**under**

### **TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr D. Mahon B.L.

Members: Mr. J. Goulding  
Mr K. Garvey

heard this appeal at Wicklow 10th April, 24th June and 25th September 2008

#### **Representation:**

Appellant : Mr Tommy McNamara B L instructed by  
Maired Bourke, Solicitors, Market Street, Westport, Co. Mayo

Respondent : Ms Cliona Kimber B L instructed by  
Miley & Miley, Solicitors, 35 Molesworth Street, Dublin 2

This case came before the Tribunal by way of an appeal by the employee (appellant) against the recommendation/decision (r-060347-te-07/MMG) of the Rights Commissioner under the Terms of Employment (Information) Act, 1994 and 2001.

#### **Determination:**

Members of the Tribunal having heard the evidence of both parties in relation to this matter finds that the referral was dated when received at the Rights Commissioners Service as 21<sup>st</sup> December 2007 which is the official referral date and that the referral date of 21<sup>st</sup> December 2007 is outside the six month referral time limit applicable under the Act. Therefore the Tribunal disallows the

appeal and affirms the decision of the Rights Commissioner.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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