

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

UD806/2008

Employee

against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. Mahon BL

Members: Mr F. Cunneen
Mr F. Barry

heard this claim at Dublin on 26th November 2008

Representation:

Claimant(s): Ms. Marguerite Bolger BL instructed by Ms. Johanne Wallace,
BCM Hanby Wallace, Solicitors, 88 Harcourt Street, Dublin 2

Respondent(s): Mr. Ray Delahunt BL instructed by Ms. Jennifer Clarke, LK Shields Solicitors,
39/40 Upper Mount Street, Dublin 2

The determination of the Tribunal was as follows:-

Preliminary Decision

The members of the Tribunal very carefully considered the preliminary submissions made by Counsel for both parties and particularly considered the relevance and implications of Section 15 of the Unfair Dismissals Act, 1977 as amended by Section 10 of the Unfair Dismissals (Amendment) Act 1993. The Tribunal is concerned with the degree of overlap between the case before the tribunal and elements of the High Court Summons i.e. damages for breach of contract and damages for unlawful repudiation of the plaintiff's contract. The Tribunal will be disposed to proceed to hear the claim when the difficulty posed by this significant overlap is satisfactorily addressed in a manner that will allow the Tribunal to act with impunity within the parameters of jurisdiction. When this requirement is achieved the Secretariat may be contacted with a view to arranging a resumption date.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

