

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:  
EMPLOYEE -claimant

CASE NO.  
UD967/2008

against  
EMPLOYER -respondent

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)  
Chairman: Mr J. Fahy BL  
Members: Mr. D. Morrison  
Mr P. Clarke

heard this claim at Ballaghadereen on 8th April 2009

#### Representation:

Claimant: Kevin P. Kilrane & Co., Solicitors, Bridge Street, Mohill,  
Co. Leitrim

Respondent: George V Maloney & Co, Solicitors, 6 Farnham Street,  
Cavan

#### **Preliminary point:**

The claim under the above Act was not lodged with the Tribunal within six months of the date of dismissal. Should the Tribunal determine that there were exceptional circumstances the Tribunal can extend the time for lodging the claim to 12 months.

“( b ) if the rights commissioner or the Tribunal, as the case may be, is satisfied that exceptional circumstances prevented the giving of the notice within the period aforesaid, then, within such period not exceeding 12 months from the date aforesaid as the rights commissioner or the Tribunal, as the case may be, considers reasonable”.

As a result the claimant had to give evidence as to the exceptional circumstances that prevented him lodging the claim within the specified period.

#### **Determination:**

The Tribunal having heard the evidence of the claimant determine that no exceptional circumstances existed to prevent the claimant from lodging his claim within the six-month period. Accordingly, 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)