

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE

- **claimant**

MN332/2009

UD334/2009

against

EMPLOYER

- **respondent**

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms S. Behan

Members: Ms M. Sweeney
Ms H. Kelleher

heard this claim at Cork on 23rd October 2009

Representation:

Claimant :

Mr Brendan Kelly, B.L., instructed by Martin A Harvey & Co, Solicitors,
Parliament House, 9/10 Georges Quay, Cork

Respondent :

In person

The determination of the Tribunal was as follows:-

Preliminary issue:

The claimant's employment ended on 20th June 2008. Form T1A was received by the Tribunal on 5th February 2009 lodging a claim under the Unfair Dismissals Acts, which is outside the six month time limit for lodging a claim as stipulated under Section 8(1)(2) of the Unfair Dismissals Acts 1977 to 2007.

When asked by the Tribunal if exceptional circumstances as outlined in Section 7(2)(b) of the Unfair Dismissals (Amendment) Act, 1993 prevented the claimant from lodging the claim within the six month time limit, Counsel for the claimant stated that the claimant was in poor health and

was pursuing another matter in the District Court. He had put the unfair dismissals claim on hold until the District Court matter had been concluded.

Determination:

Having considered the case as put forward on behalf of the claimant, the Tribunal is unanimous that there were no exceptional circumstances in this case which would allow it to extend the time limit for receipt of claim to twelve months as set out in Section 7(2)(b) of the Unfair Dismissals Amendment Act, 1993. The Tribunal does not therefore have jurisdiction to hear the claim under the Unfair Dismissals Acts 1977 to 2007.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 was withdrawn.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

