

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE

- *claimant*

CASE NO.  
UD507/2009  
MN524/2009

against  
EMPLOYER

- *respondent*

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: Mr J. Sheedy

Members: Mr. J. Redmond  
Dr. A. Clune

heard this claim at Ennis on 21st October 2009  
and 14th December 2009

#### **Representation:**

Claimant(s) : John Casey & Company, Solicitors, Bindon House, Bindon Street, Ennis, Co. Clare

Respondent(s) : Gearóid Howard, Crimmins Howard, Solicitors, Dolmen House, Shannon,  
Co. Clare

The determination of the Tribunal was as follows:-

#### **Preliminary Issue:**

An issue was raised concerning the time limit allowed under the Unfair Dismissals Acts, 1977 to 2007 to lodge a claim to the Employment Appeals Tribunal.

The respondent dismissed the claimant on January 27<sup>th</sup> 2008. The claimant completed a form to take a claim under the Industrial Relations Acts, 1969 to 1990 to the Rights Commissioners on July 23<sup>rd</sup> 2008. The Rights Commissioner received this on July 30<sup>th</sup> 2008. On September 13<sup>th</sup> 2008 the respondent objected to the Rights Commissioner hearing the case. The claimant's representative was informed of the objection.

On February 24<sup>th</sup> 2009 the claimant completed a T1A form making a claim under the Unfair Dismissals Acts, 1977 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005. The Employment Appeals Tribunal received this on March 4<sup>th</sup> 2009. This being 14 months after his dismissal.

**Preliminary Determination:**

Accordingly, the Tribunal finds 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 2007. The Tribunal, therefore, rules that it does not have jurisdiction to hear this case and the claim fails.

Based on the evidence adduced, loss having been established, the Tribunal awards the claimant €560.00 being the equivalent to two weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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