

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
UD244/2009

against

EMPLOYER

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. Hurley
Members: Mr G. Phelan
Dr. A. Clune

heard this claim at Limerick on 4th November 2009

Representation:

Claimant: Ms Antoinett Simon BL instructed by Ms. Tina Hills,
Brophy & Hills, Solicitors, Abbey House, 7 Bank Place, Limerick

Respondent: Mr. Glenn Cooper, Dundon Callanan,
Solicitors, 17 The Crescent, Limerick

Determination:

The claim was not lodged with the Tribunal in the specified time as set out in the Act. The claim was lodged outside the maximum period allowable, which is twelve months. Accordingly, the Tribunal does not have Jurisdiction to hear the claim under the Unfair Dismissals Acts, 1977 to 2007.

Amendment Act 1993:

“(2) A claim for redress under this Act shall be initiated by giving a notice in writing (containing such particulars (if any) as may be specified in regulations under section 17 of this Act made for the purposes of subsection (8) of this section) to a rights commissioner or the Tribunal, as the case may be—

(a) within the period of 6 months beginning on the date of the relevant dismissal, or

(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,”

The representative for the respondent applied for costs in relation to his attendance, on behalf of the

respondent. The Tribunal cannot award costs in relation to the attendance of solicitors or counsel and others, with the exception of expenses reasonably incurred:

S.I. No. 24/1968:

“19. (1) Subject to subparagraph (2), the Tribunal shall not award costs against any party to an appeal.

(2) Where in the opinion of the Tribunal a party to the proceedings (and, if he is a respondent, whether or not he has entered an appearance) has acted frivolously or vexatiously, the Tribunal may make an order that that party shall pay to another party a specified amount in respect of travelling expenses and any other costs or expenses reasonably incurred by that other party in connection with the hearing.

(3) Notwithstanding subparagraph (2), costs shall not be awarded in respect of the costs or expenses in respect of the attendance of counsel, solicitors, officials of a trade union or of an employers' association appearing before the Tribunal in a representative capacity.”

The Tribunal determine that the application for costs fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)