

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

-Claimant

CASE NO.
UD195/2009
MN191/2009

against
EMPLOYER

- Respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. O. Madden B.L.

Members: Mr. J. Reid
Mr. G. Whyte

heard this claim at Dublin on 30th March 2010

Representation:

Claimant: In Person

Respondent: Ms. Sheila Treacy, IBEC, 84/86 Lower Baggot Street, Dublin 2

The determination of the Tribunal was as follows:

The respondent's representative outlined to the Tribunal that the case had previously been listed before a Division of the Tribunal on the 25th June 2009. The claimant was unrepresented on that date. The case was given a resumed hearing date of the 21st October 2009. The claimant had legal representation on that occasion and a full and final settlement was reached between the parties. The settlement agreement was signed and the terms of the settlement complied with.

The claimant accepted she signed a settlement agreement on the 21st October 2009 but stated that she did so under duress. The claimant subsequently telephoned the respondent's representative informing them she would not be accepting the settlement.

A solicitor gave evidence to the Tribunal that she was engaged to represent the claimant shortly before the resumed hearing date of the 21st October 2009. There was no indication from the claimant on the 21st October 2009 that she was in any way unhappy with the settlement and the interaction between them was amicable. The claimant was provided with a copy of the settlement.

Within a number of days the claimant emailed the solicitor expressing her dissatisfaction with the settlement. The solicitor repeatedly requested to speak with the claimant either in person or by telephone but the claimant refused. The solicitor confirmed that the respondent had fully complied with the terms of the settlement.

Determination:

The Tribunal is satisfied that the claimant gave her informed consent to a settlement of the claims on the 21st October 2009, on which occasion she was legally represented. Having heard that a settlement was reached and the terms of that settlement complied with in full, the Tribunal finds that it does not have jurisdiction to hear the claims. Consequently, the claims under the Unfair Dismissals Acts, 1977 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005, are dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)