

EMPLOYMENT APPEALS TRIBUNAL

CLAIM (S) OF:

CASE NO.

Employee

UD1209/2009

Against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr R. Maguire, B.L.

Members: Mr. T. O'Sullivan
Mr M. O'Reilly

heard this claim at Dublin on 20th April 2010

Representation:

Claimant(s):

Respondent(s): Mr. Niall Beirne BL instructed by Mr. Tom McEvoy, Harrison O'Dowd,
Solicitors, 98 Henry Street, Limerick

The determination of the Tribunal was as follows:-

At the outset of the hearing Counsel for the respondent raised the fact that the claimant's TIA form was lodged outside the six-month requisite period for lodging a claim.

Claimant's Case

The claimant told the Tribunal that she left her employment in August 2008 due to sick leave. A week later she spoke to her solicitor. She resigned her position with the respondent on 2 December 2008. She returned to her family in Brazil in January 2009 until April 2009 and received medical treatment. She stated that she had a medical report in Portuguese. After she returned from Brazil her solicitor would not respond to her. Eventually her solicitor contacted her and told her to collect her documents. She was not really sure what was happening and she thought her case was live since August 2008. She completed a TIA form on 13 May 2009.

In cross examination she stated that after she returned to Ireland on 24 April 2009 she spoke to her

solicitor a couple of times before 15 May 2009. She did not know why the claim form, which she completed on 13 May 2009, was not received in the Employments Appeals Tribunal until 5 June 2009. She was informed about the time frame for lodging an appeal.

Determination on Preliminary Issue

The Tribunal is not convinced that the claimant showed exceptional circumstances to allow it to exercise discretion to extend the time limit to hear the claim. The Tribunal does not have jurisdiction to hear the case and therefore the claim under the Unfair Dismissals Acts, 1977 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)