

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE

CASE NO.  
UD852/2009

- *appellant*

against the recommendation of the Rights Commissioner in the case of:  
EMPLOYER

- *respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr K. Buckley

Members: Mr. P. Casey  
Mr D. McEvoy

heard this appeal at Cork on 15th June 2010

#### **Representation:**

Appellant(s) : Mr. Noel Murphy, Independent Workers Union, 55 North Main Street, Cork

Respondent(s) : Mr. Ambrose Downey, IR/HR Executive, IBEC, Gardner House,  
Bank Place, Charlotte Quay, Limerick

**This case came before the Tribunal by way of an appeal by a former employee of the respondent against decisions made by a Rights Commissioner reference number: UD55064/07/MR.**

The determination of the Tribunal was as follows:-

#### **Background:**

On Monday August 29<sup>th</sup> 2008 a Rights Commissioner heard an unfair dismissal claim. A recommendation in favour of the respondent (employer) was signed off on February 27<sup>th</sup> 2009. On April 14<sup>th</sup> 2009 the appellant (employee) submitted a T1B form to the Employment Appeals Tribunal to appeal the Rights Commissioners recommendation.

The respondent's representative stated that his client received the Rights Commissioners recommendation on February 27<sup>th</sup> 2009 and that the time limit for the appellant to appeal this recommendation to the Employment Appeals Tribunal was April 10<sup>th</sup> 2009. Therefore the Tribunal did not have jurisdiction to hear the appeal.

The appellant's representative stated that he had submitted a T1B form to the Employment Appeals Tribunal on April 6<sup>th</sup> 2009 but this was returned to him for amendment as the appellant's home

address was not cited on it. There was no record on the secretariat's file of this form having been received and the appellant's representative could not produce a copy of it at the appeal hearing. He agreed the deadline for the lodgement of the T1B form was April 10<sup>th</sup> 2009.

**Determination:**

Having heard the submissions adduced by both parties and due to the fact there was no proof submitted concerning the lodgement of a T1B form on April 6<sup>th</sup> 2009 to the Employment Appeals Tribunal, the Tribunal finds it has no jurisdiction to hear this appeal.

Accordingly the Tribunal upholds the Rights Commissioners recommendation and the appeal under the Unfair Dismissals Acts, 1977 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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