

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

-Claimant

CASE NO.
UD1504/2009

against

EMPLOYER **-Respondent**

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Taaffe

Members: Mr. C. Lucey
Mr. F. Keoghan

heard this claim at Dublin on 12th July 2010

Representation:

Claimant: Ms Fiona Duffy, Patrick F O'Reilly & Co, Solicitors,
9/10 South Great George's Street, Dublin 2

Respondent: Mr Emmet Whelan, Byrne Wallace, Solicitors,
2 Grand Canal Square, Dublin 2

The determination of the Tribunal was as follows:

Preliminary Issue:

Representation for the respondent submitted that the Tribunal did not have jurisdiction to hear the claim by virtue of S. 8(5) and S. 8(10) of the Unfair Dismissals Acts, 1977 to 2007. A Rights Commissioner Recommendation (reference r-081395-ud-09/JC) had issued under the Acts and the claimant had not lodged an appeal to the recommendation.

Representation for the claimant stated that the claimant did not have legal advice at the time the Rights Commissioner's recommendation had issued and that she had relied on the claim form she had submitted to the Tribunal in July 2009.

Determination on Preliminary Issue:

The Tribunal accepts the undisputed submission of the respondent that (a) the matter in question had already been addressed and determined (of which said determination was contained in

a Rights Commissioner's Recommendation reference r-081395-ud-09/JC dated the 13th January 2010) and that (b) no appeal against this recommendation had been made by the claimant. The Tribunal therefore finds that it does not have jurisdiction to deal with the matter and accordingly dismisses the claim under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)