

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE -*Appellant*

CASE NO.
RP1065/2009

MN961/2009
WT415/2009

against

EMPLOYER -*Respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Fahy

Members: Mr. J. Killian
Mr. T. Kelly

heard this appeal at Limerick on 26th March 2010

Representation:

Appellant: In Person

Respondent: xxxxxxxxxx

The decision of the Tribunal was as follows:

The claims under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and the Organisation of Working Time Act, 1997 were withdrawn at the outset of the hearing.

The appellant commenced employment as a legal secretary with the respondent in September 1976 and her employment terminated on the 14th December 2007.

It was the respondent's case that the appellant had reached normal retirement age as discussed with her during a meeting in 2006. The appellant did not raise an issue with the retirement age at any stage after that meeting.

It was the appellant's case that she had never received a contract of employment. She agreed that

there was a discussion with her employer during 2006 about her retiring at 65 but the appellant stated that she was unaware at that time that she could have continued to work. The appellant subsequently received information which indicated to her that she could have continued to work past the age of 65. She subsequently wrote to the respondent in this regard in March 2009 and lodged a T1A form with the Tribunal on the 24th April 2009, seeking a redundancy payment.

It was the respondent's case that the appellant had submitted her claim outside the stipulated 52 week time limit without reasonable cause to extend the time limit and outlined that a redundancy situation did not occur in relation to the termination of the appellant's employment.

Determination:

The respondent raised the preliminary issue that the Tribunal did not have jurisdiction to deal with the claim as the appellant did not lodge her complaint within the stipulated time limit of 52 weeks.

Having heard the evidence proffered by the appellant, the Tribunal is satisfied that the appellant has not shown reasonable cause for not bringing the claim within the time limit.

Accordingly, the Tribunal finds that it does not have jurisdiction to adjudicate on the merits of the substantial claim brought by the appellant for a redundancy payment.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

