

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE - *appellant*

CASE NO.
UD1078/2009

against

EMPLOYER – *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. M. O'Connell B L

Members: Mr. W. Power
Ms. M. Finnerty

heard this appeal at Dublin on 15th April 2010

Representation:

Claimant: In person

Respondent: Ms. Pauline O'Hare of IBEC, 84/86 Lower Baggot Street, Dublin 2

The determination of the Tribunal was as follows:

Preliminary Issue

The respondent's representative said that the Tribunal has no jurisdiction to hear this case as it had already come for hearing before the Rights Commissioner on 12th June 2009 and a recommendation issued. Once the Rights Commissioner makes a recommendation, the Tribunal can only hear the claim as an appeal. The claim before the Tribunal was not an appeal.

The claimant confirmed that his claim had gone to the Rights Commissioner. However he did not attend the hearing because he was out of the country on the hearing date.

Determination

The Tribunal finds that it has no jurisdiction to hear the claim before it. Therefore the claim under the Unfair Dismissals Acts, 1977 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)