

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
EMPLOYEE

CASE NO:
UD2262/2009

- *claimant*

against
EMPLOYER

- *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O. Leary BL

Members: Mr. M.J. Murphy
Mr. O. Nulty

heard this "*for mention*" case in Cavan on 22 October 2010

Representation:

Appellant: In Person

Respondent: Eversheds O'Donnell Sweeney, Solicitors, One Earlsfort Centre,
Earlsfort Terrace, Dublin 2

The decision of the Tribunal in respect of this "*for mention*" case was as follows:

Background:

The claimant alleged he was constructively dismissed from his employment on November 21 2008. He submitted a claim under the Unfair Dismissals Acts, 1977 to 2007 to the Rights Commissioners. A Rights Commissioner heard the claim on the 14th of May 2009 and the 5th of June 2009. The Rights Commissioner found he had been constructively dismissed and recommended an award of € 15,000 be paid to him within six weeks.

The claimant did not appeal the recommendation to the Employment Appeals Tribunal within the six-week time limit. However he submitted a T1A form to the Employment Appeals Tribunal on the 9th of October 2009 stating the Rights Commissioner had not dealt with the claim in all its entirety and requested the Employment Appeals Tribunal hear his case. He was informed by the Tribunal secretariat that although the time limit had expired it was a matter for a division of the Tribunal to deal with the matter.

Determination:

The matter came for mention before a division of the Tribunal in Cavan on the 22nd of October 2010. Having heard submissions in this case the Tribunal finds that as the claimant did not submit an appeal to the Employment Appeals Tribunal within the six-week time limit to appeal a Rights Commissioners recommendation it has no jurisdiction to hear the case and therefore the claim is dismissed.

Sealed with the seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)