

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:  
EMPLOYEE  
- *claimant*

CASE NO.  
RP830/2010

UD611/2010  
MN553/2010  
OWT253/2010

against  
EMPLOYER  
- *respondent*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
ORGANISATION OF WORKING TIME ACT, 1997  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms P. McGrath BL

Members: Mr D. Moore  
Mr A. Butler

heard this claim at Dublin on 20th June 2011

Representation:

\_\_\_\_\_

Claimant(s) : In Person

Respondent(s) : Ms Muireann McEnery, Peninsula Business Services (Ireland)  
Limited, Unit 3 Ground Floor, Block S, East Point Business  
Park, Dublin 3

**Determination**

The claim under the Unfair Dismissals Acts was lodged with the Tribunal outside of the 6 months time limit provided for in the Unfair Dismissals Act 1977. Section 8(2) (b) of the Act provides that this time limit may be extended to a period not exceeding 12 months if exceptional circumstances existed preventing the giving of notice to the Tribunal within the period aforesaid. The Tribunal is satisfied that no exceptional circumstances existed which prevented the claimant or his legal representative from bringing his claim within the given time. Accordingly the claim under the

Unfair Dismissals Acts 1977 to 2007 must fail.

It was agreed between the parties that there was no redundancy situation. Therefore the claim under the Redundancy Payments Acts 1967 to 2007 must fail.

The respondent agreed to pay 7 days holiday pay due and owing to the claimant. Accordingly the Tribunal awards the claimant the sum of €505.97 under the Organisation of Working Time Act 1997. The respondent also agreed to pay the claimant his notice entitlement and accordingly the Tribunal awards the claimant the sum of €722.82 being the equivalent of two weeks pay under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

