

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

EMPLOYEE

RP411/2010

MN184/2010

WT99/2010

against

EMPLOYER

EMPLOYER

under

CASE NO.

UD200/2010

*-appellant*

*-respondent*

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**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: Ms P. Mc Grath BL

Members: Mr. N. Ormond

Mr T. Brady

heard this claim at Dublin on 21st June 2011

Representation:

Claimant: In person

Respondent: No appearance or representation

**Background:**

The claimant gave evidence to the Tribunal and submitted documentation to the Tribunal. He worked as a painter for the respondent. He told the Tribunal that his former employer offered him a “deal”. The claimant explained that as part of this deal he was named as a director. The claimant opened a letter to the Tribunal that was from the liquidator of the respondent company to him. The letter explained that he was on Class S social insurance and therefore ineligible for a redundancy payment.

**Determination:**

The claimant was a company director for the respondent company and is therefore not entitled to a redundancy payment under the statutory redundancy scheme. The claim under the Redundancy Payments Acts, 1967 to 2007, fails.

The claimant’s T1A was lodged outside of the six-month period allowed under the Unfair Dismissal legislation and there were no exceptional circumstances to extend the time to One year.

The Tribunal therefore does not have jurisdiction to hear the claim under the Unfair Dismissals Acts 1977 to 2007.

The Tribunal makes no order under the Minimum notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal makes no order under the Organisation Of Working Time Act, 1997.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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