

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE- **claimant**

UD525/2010

RP121/2010

MN80/2010

against

EMPLOYER- **respondent**

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. P. Hurley

Members: Mr. B. O'Carroll  
Ms. H. Henry

heard this claim at Galway on 23 June 2011

Representation:

Claimant:

Ms. Gemma Forde, Charles Foley Solicitors,  
Market Square, Gort, Co. Galway

Respondent:

No appearance by, or representation on behalf of the respondent

The determination of the Tribunal was as follows: -

The Tribunal was satisfied that the respondent was properly notified of the hearing.

#### **Preliminary Issue**

At the outset the claim under the Redundancy Payments Acts, 1967 to 2007 was withdrawn as the claimant opted to pursue the claim under the Unfair Dismissals Acts. The employment ended on 13 June 2009 and the Tribunal received the claim under the Unfair Dismissals Acts on 6 April 2010 outside the period of 6 months beginning on the date of dismissal as set out in Section 8 (2) (a) of the Unfair Dismissals Acts. Having heard evidence from the claimant on this point the Tribunal was

satisfied that, having been in negotiation with the respondent regarding the settlement of matters following his dismissal at the end of the afore-mentioned 6 month period, his lack of representation at the time and his poor level of English, exceptional circumstances had prevented the claimant from lodging his claim within that period and accordingly the Tribunal had jurisdiction to hear the claim.

**Determination**

Based on the uncontroverted evidence of the claimant the Tribunal is satisfied that the claimant was unfairly dismissed and having heard evidence of loss the Tribunal awards €20,000-00 under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal further awards €1,000-00, being 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)