

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

EMPLOYEE

- *First Named Appellant*

CASE NO.

RP2164/2010

MN1551/2010

EMPLOYEE

- *Second named Appellant*

RP2163/2010

MN1550/2010

EMPLOYEE

- Third Named Appellant

RP2165/2010

MN1552/2010

against

EMPLOYER - *respondent*

under

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: Ms D. Donovan BL

Members: Mr. W. O'Carroll
Mr N. Dowling

heard this appeal at Tullamore on 8th June 2011

Representation:

Appellant:

Respondent: Mr. Paul Dunne, IBEC, Confederation House, 84/86 Lower Baggot Street, Dublin 2

The decision of the Tribunal was as follows:

There were three appeals for redundancy before the Tribunal.

At the commencement of the hearing the respondent's representative made a preliminary application to have the appeals dismissed under the Redundancy Payments Acts 1967 to 2007 on the basis that the appeals were statute barred.

Appeals under the Redundancy Payments Acts, 1967 to 2007 must be submitted to the secretariat of the Employment Appeals Tribunal within fifty-two weeks of the appellant's date of

ermination. Appeals, lodged after the aforesaid period but within the period of one hundred and four weeks from the date of dismissal, may be considered subject to the appellant demonstrating reasonable cause for the delay in furnishing such an application within the statutory time limit.

All three appellants' employment was terminated on the 30th June 2009. Their T1A forms were not received in the Employment Appeals Tribunal secretariat until 30th June 2010. Therefore all three appellants application were out of time by one day, according to the representative for the appellants.

The appellants' representative outlined that the T1A s had been posted on the 19th June 2010 and that he could produce receipts showing same. The appellants' representative did not put forward any other reason as to why these applications were lodged after the period of fifty-two weeks had passed.

The Tribunal noted that all the appellants had signed and dated their T1A forms on the 28th June 2010.

Determination

The Tribunal considered the submissions from both parties. On the day of the hearing the parties were informed by the Tribunal that the appellants' applications to the Tribunal were two days, rather than one day, out of time. No application to extend time was made by the appellants and therefore, the Tribunal had no jurisdiction to hear the case. Accordingly the appeals under the Redundancy Payments Acts 1967 to 2007 are dismissed.

As no evidence was adduced at the hearing in relation to the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 these claims are also dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)