

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.
UD44/2010
RP59/2010

EMPLOYEE *-claimant*

MN40/2010

WT25/2010
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
ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath BL
Members: Mr G. Andrews
 Mr J. Jordan

heard this claim at Wicklow on 30th March 2011

Representation:

Claimant: In person

Respondent: Ms Leigh Hamilton BL instructed by Ms Suzanne Barker, Black & Co. Solicitors,
28 South Fredrick Street, Dublin 2

Determination:

A preliminary issue of the form T1A being lodged some six weeks after the six month time period allowed in the legislation was raised by way of a preliminary issue.

The claimant was unable to explain to the Tribunal that exceptional circumstances existed whereby he should be allowed an extension of time for the lodging of the T1A.

The T1A should have been lodged on or before the 15th October 2009 but was only delivered at the end of November 2009.

The Tribunal finds that it has no jurisdiction to hear this appeal as it is outside the six-month time period allowed for under the Unfair Dismissals Acts 1977 to 2007. The appeal under the Organisation of Working Time Act, 1997 fails.

Regarding the claim under the Redundancy Payments Acts, 1967 to 2007, it was established at the hearing that the correct redundancy payment has already been made to the claimant on a statutory basis as of the beginning of 2010.

Regarding the claim under the Minimum notice and Terms of Employment Acts, 1973 to 2005, the Tribunal finds that the claimant is entitled to one weeks notice at a rate of €360.00.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)