

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYER

UD494/2010

appellant

against the recommendation of the Rights Commissioner in the case of:

EMPLOYEE

respondent

and

EMPLOYER

appellant

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr P. Pierce
Mr P. Trehy

heard this appeal at Dublin on 11th January 2012

Representation:

Appellant(s): Ms. Jackie Byrne BL instructed by Ms. Aideen Madden, Madden & Co.
Solicitors 2 Brunswick Court, Brunswick Street North, Smithfield, Dublin 7

Respondent(s): Ms. Julianne Paye, Richard Grogan & Associates, Solicitors, 16 & 17 College
Green, Dublin 2

The determination of the Tribunal was as follows:-

This case came before the Tribunal by way of an appeal by an employer appealing against the decision of the Rights Commissioner reference r-076818-ud-09/JT dated the 14th December 2009.

Determination

Counsel for the appellant outlined to the Tribunal that the respondent commenced employment with the appellant on the 31st October 2007 and due to the economic downturn his employment was terminated on the 15th February 2008. He was then re-employed on the 31st March 2008 until the 22nd December 2008. As there was a break in the respondent's service he did not have the requisite service to pursue a claim under the Unfair Dismissals Acts, 1977 to 2007.

The solicitor for the respondent conceded that the respondent did not have the requisite continuous service to pursue a claim under the Unfair Dismissals Acts 1977 to 2007.

The Tribunal does not have jurisdiction to hear the case, it upsets the decision of the Rights Commissioner and the case fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

