

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:

CASE NO.

EMPLOYEE – *claimant*

UD716/2010  
RP974/2010

against

EMPLOYER – *respondent*

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. Herlihy

Members: Mr. W. O'Carroll  
Mr. F. Dorgan

heard this claim in Limerick on 22<sup>nd</sup> November 2011

Representation:

\_\_\_\_\_  
Claimant: Mr Aiden Barry BL instructed by Mr Aiden Barry, Aiden Barry,  
Solicitors, Roche House, 8 Bank Place, Limerick

Respondent(s): Ms Helen Callanan BL instructed by Ms Breda O'Malley, Hayes,  
Solicitors, Lavery House, Earlsfort Terrace, Dublin 2

The determination of the Tribunal was as follows:-

At the outset a jurisdictional point was raised in that the respondent did not accept that the claimant had been its employee for one year. The Tribunal decided to conduct a hearing into this issue and make a decision on its jurisdiction.

**Determination:**

Having carefully considered the case made by both sides on the jurisdiction point, the Tribunal was not satisfied that the claimant began employment on the 1<sup>st</sup> January 2007. The Tribunal is satisfied that the claimant began employment with the respondent on the 1<sup>st</sup> January 2009 and does not have the requisite one year's service with the respondent. Consequently, the claim under the Unfair Dismissals Acts, 1977 to 2007 is dismissed.

The claim under Redundancy Payments Acts, 1967 to 2007 was also dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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