

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

- claimant

CASE NO.
MN1212/2010
UD1262/2010
WT516/2010

against
EMPLOYER

- respondent

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms O. Madden B.L.

Members: Mr M. Murphy
Ms. P. Ni Sheaghdha

heard this claim at Dublin on 21st October 2011

Representation:

Claimant(s) : Ms. Elaine Finneran BL instructed by:
Hickey & Co., Solicitors, 2 Anker Bower, Dublin Road, Athlone, Co. Westmeath

Respondent(s) : John P O'Malley & Company, Solicitors, 38 Percy Place, Dublin 4.

The determination of the Tribunal was as follows:-

A preliminary issue concerning time limits was raised by the respondent's representative.

Background:

The respondent's business entailed the publishing of various magazines. The claimant commenced employment with the respondent in 2000 and during her time she was promoted to Editor on an interior design magazine. She was made redundant on August 28th 2009. Sheloged claims under the Unfair Dismissals Acts, 1977 to 2007, the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and the Organisation of Working Time Act, 1997 on May 7th 2010.

Preliminary Issue:

The respondent representative raised the issue that the claim under the Unfair Dismissals Acts, 1977 to 2007 was out of time. Evidence was taken by the claimant regarding the reason why she delayed in submitting her claim form within the six-month time limit.

Preliminary Determination:

Having carefully considered the sworn evidence adduced the Tribunal finds there are no exceptional circumstances in which the claimant's claim under the Unfair Dismissals Acts, 1977 to 2007 can be extended into a further six-month time frame. Accordingly the claim is dismissed.

The claims under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and the Organisation of Working Time Act, 1997 were later withdrawn.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)