

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE-Claimant

CASE NO.
RP1799/2010

against
EMPLOYER-Respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr G. Hanlon

Members: Mr P. Pierson
Mr O. Nulty

heard this appeal at Mullingar on 9th December 2011

Representation:

Appellant: John Glynn & Company, Solicitors, Law Chambers, The Village
Square, Tallaght, Dublin 24

Respondent: Mr. Michael O'Sullivan, HR Advisor, Arra Hrd Limited,
Castlelost West, Rochfortbridge, Co Westmeath

The decision of the Tribunal was as follows:-

Preliminary Application

The respondent made an application that the appellant's T1A was submitted out of time under the Redundancy Payments Acts, 1967 to 2007 and therefore the Tribunal had no jurisdiction to hear the appeal.

Summary of Evidence

It was common case that dismissal occurred in January 2009. The T1A was received by the Tribunal in May 2010. The appellant's representative stated that the claimant had poor English and a poor understanding of how the system worked. He had hoped that work would become available again. An original complaint had been forwarded to the Labour Relations Commission in February 2010.

Determination

Based on all the evidence heard, the Tribunal find that the appellant did not show reasonable circumstance for the lateness in submitting the T1A outside of the 52 weeks as provided in Section 24 of the Redundancy Payments Acts, 1967 to 2007.

Therefore the Tribunal decline to extend the time limit and accordingly the Tribunal decline jurisdiction to hear this appeal.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

