

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE

*-appellant*

CASE NO.  
P3/2010

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

EMPLOYER

*-respondent*

under

### MATERNITY PROTECTION ACT 1994 AND 2004

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms F. Crawford B.L.

Members: Mr M. Carr  
Mr N. Dowling

heard this appeal at Trim on 30th November 2011

#### **Representation:**

Appellant: Ms Mary Smith, Navan Citizens Information Centre, 1 Brews Hill, Navan,  
Co Meath

Respondent: Ms Ruth Mylotte B.L. instructed by  
Steen O'Reilly, Solicitors, 31/34 Trimgate Street, Navan, Co Meath

**This case came before the Tribunal by way of an employee appeal of the Rights Commissioner  
Decision ref: r-079940-mp-09/JT.**

#### **Preliminary Issue**

On receipt of the Rights Commissioner Decision dated the 17<sup>th</sup> of February 2010, the appellant's representative believed it was a draft decision as it contained a number of spelling errors. The appellant's representative contacted the Rights Commissioners Service, queried the standing of the decision and received an answer within the 4 week time-limit for appeal. The appellant left the jurisdiction for a period and on her return the appeal of the Rights Commissioner Decision was lodged with the Tribunal.

**Determination**

The appeal of Rights Commissioner Decision ref: r-079940-mp-09/JT was lodged outside the 4 week time-limit as prescribed in the Act. The Tribunal has no discretion to extend this time-limit for appeal and therefore must decline jurisdiction to hear this case.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

