

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE (*claimant*)

UD1426/2010

Against

EMPLOYER (*respondent*)

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms P. Mcgrath

Members: Mr T. O'Grady  
Mr P. Trehy

heard this claim at Dublin on 29th November 2011

Representation:

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Claimant(s) :

Ms. Barbara Mebtouche, Triana, Independent Advice &  
Information Bureau, 13 Store Street, Dublin 1

Respondent(s) :

Company Representative

The determination of the Tribunal was as follows:

#### **Preliminary Issue**

The claimant's representative stated that exceptional circumstances existed which did not allow the claimant enter her T1A within the required 6 month period. Her P45 was issued in June 2009 and was received by the claimant in September 2009. The claimant had a sick child until January 2010.

In evidence, the claimant told the Tribunal that she did not file a claim after she received the P45 in September as she had difficulties with her pregnancy in October 2009. She could not focus on anything else at the time. In January 2010 she was asked to come to the company to resolve the issue. The problem had not been resolved by March 2010. When asked by the Tribunal her next step after the letter of 28<sup>th</sup> April 2010, the claimant stated that it was a difficult time and she was feeding the baby herself.

The claimant had been under the impression, based on promises, that she was still an employee.

She was refused maternity benefit as she was not in employment within 16 weeks of the end of the week in which her baby was due. The claimant only became aware that her employment was terminated in September 2009.

### **Determination on Preliminary Issue**

The Tribunal does not accept that the claimant demonstrated that exceptional circumstances existed whereby she could not have had a T1A issued within the 6 months time period allowed under the Acts. The time limits are very strictly adhered to and the Tribunal has consistently found that the circumstances for an extension of time has to be really exceptional and not just unusual.

It is clear that by September of 2009 the claimant knew or ought to have known that her employment had been terminated by way of a P45 which had issued in the June of that year. The six month time limit allowed to issue the T1A had to have started to run from that time, if not, in fact, from the June of 2009. Unfortunately, the claimant failed to issue the T1A within the 6 months of the September date.

The Tribunal, therefore, rules that it does not have jurisdiction to hear this case and the appeal necessarily fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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