

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE – *appellant*

CASE NO.  
RP1713/2011

against  
EMPLOYER - *respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms P. McGrath B.L.

Members: Mr D. Moore  
Mr O. Nulty

heard this appeal at Mullingar on 6th July 2012

Representation:

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Appellant(s) : Ms Margaret Molloy, The Pillars, Ballydaly, Tullamore,  
Co Offaly

Respondent(s) : Mr Duncan Inverarity, A & L Goodbody, IFSC, North Wall  
Quay, Dublin 1

### Determination

The Tribunal has carefully considered the matter before it. The appellant seeks statutory redundancy arising out of the termination of his employment on 19 June 2009. The appellant's T1A form was received in the offices of the Employment Appeals Tribunal on 14 June 2011, some 5 days shy of the 104 weeks' time limit that a division of the Tribunal may extend the time allowable for lodging a claim beyond the 52 weeks allowed under the Act. The Act provides that the Tribunal may only extend the period from 52 to 104 weeks where "reasonable cause" for the delay has been demonstrated by the appellant.

In his evidence the appellant indicated that he was in fact ignorant of the law and it was not perhaps until well into 2011 that he came to understand that he might be entitled to have his claim for redundancy heard by an independent Tribunal. It has long been accepted by the Tribunal that an ignorance of the law cannot be a justification for not being pro-active. Time limits are set to allow for certainty in employment situations. Parties cannot have open ended entitlements to have grievances aired. The 52 weeks time limit attaching to the Redundancy Payments Acts are in no way unreasonable and a person with a sense of grievance has every

opportunity to lodge a claim within the first year. The extension of this time limit is not to be granted by the Tribunal unless “reasonable cause” has been demonstrated.

Whilst the appellant has given a reason which explains the delay he has not put forward a justifiable excuse for the delay as per the judgement of Laffoy J in the case of Minister for Finance v Civil and Public Service Union and others [2007] 18 E.L.R. 36. The appellant has not shown reasonable cause and the Tribunal finds that it does not have jurisdiction to extend the time. The claim under the Redundancy Payments Acts therefore fails.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

