

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE – *claimant*

UD1906/2010

against

EMPLOYER – *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. Hurley

Members: Mr. W. O'Carroll
Ms. H. Henry

heard this claim in Tullamore on 20th March 2012

Representation:

Claimant: Mr Frank Jones, SIPTU, Unity Hall, Church Street,
Tullamore, Co Offaly

Respondent(s) : Ms. Geraldine Moriarty, Local Government Management Services
Board, Local Government House, 35/39 Ushers Quay, Dublin 8

The determination of the Tribunal was as follows:-

Preliminary Issue

The representative for the respondent stated the Tribunal did not have jurisdiction to hear the claim, as the claimant had not brought the claim within six months of his dismissal date. She mentioned UD762/94 where the Tribunal used three elements to decide the term exceptional circumstances; something out of the ordinary, what prevented the lodging of the claim and what prevented the claim been lodged within the six months.

The claimant's representative said a claim was lodged with the Rights Commissioners which had named the incorrect respondent. The respondents appeared before the Rights Commissioner and said the correct employer was not named. The claimant lodged a second claim with the Rights Commissioner which the respondent objected to being heard

by a Rights Commissioner. The objection was made on the 23rd June 2010, but the Rights Commissioner did not inform the claimant of this until the 27th July 2010. Within two weeks of receiving the correspondence from the Rights Commissioner the claimant lodged his claim before the Tribunal.

Determination

This claim was lodged outside of the six month time limit from the date of termination of employment imposed by the Unfair Dismissals Acts, 1977 to 2001. There were no exceptional circumstances as described by the said Acts to cause this delay. The Tribunal, therefore, rules that it does not have jurisdiction to hear this case.

Accordingly the claim under the Unfair Dismissals Acts, 1977 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)