

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE - *claimant*

UD552/2011
MN592/2011

Against

EMPLOYER - *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr T. Taaffe
Members: Mr. J. O'Neill
Mr G. Whyte

heard this claim at Dublin on 24th July 2012

Representation:

Claimant : In person

Respondent : ESA Consultants, The Novum Building, Clonshaugh Industrial Estate, Dublin 17

Preliminary Issue

The Tribunal heard that the claimant's employment ceased on the 4 March 2010 and the appeal was lodged with the Tribunal on the 21 February 2011.

The claimant told the Tribunal that the appeal was lodged late due to her inability to face up to the loss of her job and her emotional state at that time. After a period of six or seven months she sought legal advice following encouragement from her family and understood from that advice that she had one year to submit an appeal under the Unfair Dismissals Acts 1977 to 2007.

Determination

The Tribunal carefully considered the evidence in respect of the preliminary issue of the claimant's failure to lodge her claim within the required time period. It is not satisfied that this evidence was sufficient for the claimant to discharge the onus on her to establish that there was present "exceptional circumstances" which prevented her from lodging her claim

within the statutory period of six months from the date of the expiration of the initial six month period within which the claim should have been lodged.

The Tribunal therefore finds that the claim fails for want of prosecution and the Tribunal so determines.

As no evidence was adduced in the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 this claim fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)