

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:  
EMPLOYEE *-appellant*

CASE NO.  
UD1989/2010  
MN1930/2010

against  
EMPLOYER

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: Ms P. McGrath B.L.

Members: Mr M. Carr  
Mr O. Nulty

heard this claim at Mullingar on 8th June 2012

#### **Representation:**

---

Claimant: Mr. John Curren B.L. instructed by  
Tormeys, Solicitors, Castle Street, Athlone, Co Westmeath

Respondent: Mr. Tim O'Connell, Ibec, Confederation House,  
84/86 Lower Baggot Street, Dublin 2

#### **Preliminary Issue**

The T1A was lodged with the Tribunal outside of the 6 month time limit as prescribed in the Act. The claimant was informed of his summary dismissal for Gross Misconduct following an investigation by letter dated the 26th of February 2010. The claimant had 3 working days to appeal the decision. The dismissal took place on the 26<sup>th</sup> of February and the P45 was dated the 7<sup>th</sup> of March as it was processed in the following week's payroll.

The claimant's representative gave evidence that the claimant attended his office shortly after his dismissal. The claimant's representative completed the T1A relying on the P45 cessation date. The T1A was signed in April but was not submitted to the Tribunal immediately as the representative was waiting for further documentation.

## **Determination**

The Tribunal has carefully considered the evidence adduced. The Tribunal finds that the T1A was received on the 3<sup>rd</sup> of September 2010 some 6 months and 8 days after the date of dismissal which had occurred on the 26<sup>th</sup> of February 2010 by way of summary dismissal following an investigation. The T1A was out of time and there are no exceptional circumstances which would allow the Tribunal to extend the time. The Tribunal, therefore, rules that it does not have jurisdiction to hear this case and the claim necessarily fails.

The Tribunal heard no evidence in connection with the claim under the Minimum Notice and Terms of Employment Acts 1994 to 2005. Accordingly the Tribunal can make no finding under the relevant Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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