

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE

CASE NO.  
UD767/2011

against the recommendation of the Rights Commissioner in the case of:

EMPLOYER

Under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr P. Hurley

Members: Mr J. Hennessy  
Mr A. Butler

heard this appeal at Thurles on 6th November 2012

Representation:  
\_\_\_\_\_

Appellant: In person

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

This case came before the Tribunal by way of an appeal by the employee (hereinafter referred to as the appellant) against the recommendation of the rights commissioner: R-093970-UD-10 JOC dated 11 February 2011.

#### **The determination of the Tribunal was as follows:-**

The claimant was dismissed on 9<sup>th</sup> October 2009. The claim under the Unfair Dismissals Acts, 1977 To 2007 was lodged (according to paperwork provided by the appellant on 9<sup>th</sup> April 2010). The Tribunal determines that the claim was lodged one day outside the six month time limit.

Accordingly, 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 and upholds the decision

of the Rights Commissioner.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

