

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.
UD1401/2012

EMPLOYER - *Appellant*

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

EMPLOYEE - *Respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr J. Horan
Ms. N. Greene

heard this appeal at Naas on 4th December 2012

Representation:

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

Respondent: Mr. John Curran B.L., instructed by Lesley Ryan, Wilkinson & Price Solicitors, South Main Street, Naas, Co .Kildare

The determination of the Tribunal was as follows:-

This case came before the Tribunal by way of an appeal of a Rights Commissioner's Recommendation ref: r-119046-ud-11/RG

The respondent's representative told the Tribunal that the appeal of the recommendation of the Right's Commissioner was not received by the Tribunal within six weeks of the date that the recommendation was communicated to the appellant and therefore the Tribunal had no jurisdiction to hear the appeal.

The appellant's representative stated that the time limit should be extended. The appellant's representative accepted that while his office received the recommendation on 3rd July 2012 therecommendation was not made available to the appellant until 15th August 2012. He maintained that at no stage was he or his office authorised, prior to the Rights Commissioner hearing, to receive the recommendation on the appellant's behalf.

Determination

The Tribunal finds that the notice given to the appellant’s representative complies with the requirement of Section 9(2) of S.I. No. 286/1977 — Unfair Dismissals (Claims and Appeals) Regulations, 1977. Consequently, the Tribunal has no jurisdiction to extend the time limit for bringing an appeal of a Rights Commissioner’s recommendation.

Accordingly, the Tribunal dismiss the appeal and uphold the recommendation of the Rights Commissioner ref:r-119046-ud-11/RG under the Unfair Dismissals Acts 1977 to 2007.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)