

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE - *Claimant*

UD1335/2012
RP651/2012

against

EMPLOYER - *Respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Dr. A. Courell BL

Members: Mr D. Morrison
Ms. R. Kerrigan

heard this claim at Donegal on 27th September 2012

Representation:

Claimant: Michael Gillespie, Michael Gillespie, Solicitor, Carrickfin Road,
Kincasslagh, Co. Donegal

Respondent: Gallagher McCarthy, Solicitors, New Row, Donegal Town, Co. Donegal

Claims were lodged under both the Redundancy Payments Acts, 1967 to 2007 and the Unfair Dismissals Acts, 1977 to 2007. The claimant's representative informed the Tribunal at the outset that the claimant was pursuing his claim under the Unfair Dismissals Acts, 1977 to 2007.

Background:

The claimant was employed as a truck driver from 1st April 2005 to 27th April 2012. On 16th May 2012 he lodged a claim under the Unfair Dismissals Acts, 1977 to 2007. However he would have been entitled to 4 weeks' notice which would mean his date of dismissal was 25 May 2012. Therefore the claimant lodged his claim before he was dismissed.

The determination of the Tribunal was as follows:

Section 8 (2) the Unfair Dismissals (Amendment) Act, 1993 states:

“ A claim for redress under this Act shall be initiated by giving a notice in writing

(containing such particulars if (if any) as may be specified in regulations under Section 17 of this Act made for the purposes for subsection (8) of this section) to a rights commissioner or the Tribunal, as the case may be, within 6 months of the of the date of the relevant dismissal”

Determination:

Accordingly, the Tribunal has no jurisdiction to hear the claim under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)