

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE - *claimant*

CASE NO.

UD2270/2011

against
EMPLOYER - *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath B.L.

Members: Ms J. Winters
Mr. J. Dorney

heard this claim at Dublin on 30th May 2013

Representation:

Claimant(s) : In Person

Respondent(s) :

Determination

The Tribunal has carefully considered the evidence adduced. The respondent has asked the Tribunal to consider its jurisdiction to deal with this case in circumstances where the respondent is saying that the claimant's claim was notified in excess of one year after the termination of employment.

The claimant tendered her resignation through her solicitor by letter dated 29 June 2010. On 30 June 2011 the claimant lodged her written notice of intention to look for relief under the Unfair Dismissals legislation. The application, it is noted, was received in the office of the Labour Relations Commission at 4.30pm on the afternoon of 30 June 2011 and evidence is presented confirming this fact.

The claimant has also presented the Tribunal with the P45 she received from the respondent which shows the date of cessation as being 30 June 2010 and not the 29 June 2010 date given in the letter of resignation. The respondent says that either way, the claimant has failed to present her application within the 12 months limit laid down by the Act.

It is accepted by the Tribunal that the time starts to run from the date of termination and runs for

a twelve month period expiring on midnight of the last day. It is accepted that in this instance the time started to run at the date the resignation is tendered, as was always intended by the claimant, and not the date disclosed on the P45. In those circumstances and allowing for the twelve month period, the application would have to have been in by midnight on 28 June 2011. This did not happen and unfortunately the claimant is statute barred and the Tribunal has no jurisdiction to hear the claim.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

