

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NOS

EMPLOYEE – *claimant*

UD2037/2011
WT804/2011

against

EMPLOYER – *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007 ORGANISATION OF WORKING TIME ACT 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr N. Russell

Members: Mr J. Horan
Mr F. Barry

heard this claim at Portlaoise on 5th June 2013

Representation

Claimant In person

Respondent

The determination of the Tribunal was as follows:-

Preliminary Issue

The T1A was filed outside the 6 month time limit prescribed by the Unfair Dismissals Act and the Tribunal had to determine whether there were exceptional circumstances that would enable it to extend the time.

In evidence on the preliminary issue the claimant told the Tribunal that following the termination of his employment he was badly stressed and taking anti-depressants. Then he was unemployed and in financial difficulties. It was September 2011 before he got a job. He had first met with his solicitor in April 2011 the day before he left his employment. It was October 2011 before he was financially in a position to return to his solicitor.

The respondent told the Tribunal that the claimant's letter of resignation was accepted on 14 April 2011, the date it was received.

Determination

The Tribunal carefully considered the evidence adduced on the preliminary issue. The Tribunal finds that there were no exceptional circumstances that would enable it to extend the time for making a claim under the Unfair Dismissals Acts 1977 to 2007 from 6months to 12 months. The Tribunal has no jurisdiction to hear this claim.

The Tribunal has no jurisdiction to hear the claim under the Payment of Wages Act 1991 because the claim is not for holiday pay.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)