

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

CASE NO.
UD50/2012

- claimant

against
EMPLOYER
under

- respondent

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. O. Madden BL

Members: Mr. M. Flood
Mr. J. Dorney

heard this claim at Dublin on 10th May 2013

Representation:

Claimant(s) : In Person

Respondent(s) :

The determination of the Tribunal was as follows:-

Background:

A preliminary issue was raised by the respondent as to whether the claimant had the requisite one years' service in order to take a claim under the Unfair Dismissals Acts, 1977 to 2007.

The claimant commenced employment with the respondent on the 13th September 2010. The claimant's first payslip, dated the 24th September 2010, was submitted to the Tribunal for their perusal. The claimant's contract was produced which had a start date of the 1st August 2010. The respondent contended this was a typographical error on their part and this error was only highlighted when the claimant lodged a claim for unfair dismissal with the Employment Appeals Tribunal.

When asked, the claimant stated he was unsure whether he had commenced employment in August or September of 2010.

Determination:

The Tribunal regretfully find that the relevant date of employment appears from all the uncontested evidence to be the 13th September 2010. This being so the claimant does not satisfy Section 2 (a) of the Unfair Dismissals Acts, 1977 to 2007 in that he cannot show the

requisite service of one year and therefore the claim fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)