

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE – *claimant*

CASE NO.
UD2108/2011

Against

EMPLOYER – *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. Revington S.C.

Members: Mr D. Moore
Mr C. Ryan

heard this claim at Dublin on 24th July 2013

Representation:

Claimant(s): Ms Mairead Carey BL, instructed by:
Ms Blaithnaid Hamilton
Ronan O'Brien & Company
Solicitors, 69 Church Street, Cavan

Respondent(s) : Mr Eamon McCoy
IBEC
84/86 Lower Baggot Street, Dublin 2

The determination of the Tribunal was as follows:-

Preliminary Issue:

The claimant first lodged her form T1A with the Tribunal on 3rd November 2011. The date of dismissal on the form was 11th November 2010. The claimant's representative applied for an extension of time based on medical grounds. The claimant was admitted to hospital on 7th January 2011 and discharged on 12th January 2011 and was admitted again on 23rd May 2011 and discharged on 24th May 2011.

According to the respondent the dismissal date was in fact 13th October 2010. The appeal was heard in November 2010 and the outcome was notified on 15th November 2010.

The claimant gave evidence in regard to the preliminary issue. She was admitted to hospital in January 2011 for a medical condition. She had difficulties because of this and had a number of

hospital visits until May 2011. She had two months of physiotherapy after this.

Determination:

This claim was lodged outside of the six month time limit from the date of termination of employment imposed by the Unfair Dismissals Acts, 1977 to 2007. The Tribunal finds that there were no exceptional circumstances as described by the said Acts to cause this delay. Therefore the Tribunal does not have jurisdiction to hear the claim.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)