

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

CASE NO.
UD42/2012

against the recommendation of the Rights Commissioner in the case of:

EMPLOYER

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr K. Buckley

Members: Mr D. Hegarty
Mr O. Wills

heard this appeal at Cork on 25th June 2013

Representation:

Appellant: In person

Respondent:

The determination of the Tribunal was as follows:-

This case came before the Tribunal as an appeal by an employee of the recommendation of the Rights Commissioner reference number UD110323/11/MR.

A preliminary issue arose in relation to this appeal. The Rights Commissioner's recommendation in this case dated 6th December 2011 finds that the claim was lodged out of time.

In sworn testimony the appellant claimed that he was dismissed in February 2010. He had went to his trade union representative in March 2010 and filled out the necessary paperwork to pursue a case of unfair dismissal. He heard nothing back, telephoned his representative 9 months later and was told that he would be responded to. After hearing nothing he telephoned the Rights Commission service and discovered that his claim had never been lodged. The appellant filled out new forms that were deemed out of time some 16 months after his dismissal. He then appealed the decision to the Employment Appeals Tribunal.

The Tribunal finds that it does not have jurisdiction to hear the claim having found that exceptional circumstances did not exist to extend the time for filing a claim. In those circumstances the decision

of the Rights Commissioner is upheld.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

