

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE - *claimant*

CASE NO.

UD1545/2011

Against
EMPLOYER - *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. E. Kearney BL

Members: Mr D. Moore

Mr T. Brady

heard this claim at Tullamore on 3rd April 2013

Claimant(s) : Francis B Taaffe & Co, Solicitors, Edmund Rice Square, Athy, Co Kildare

Respondent(s) : Mr Tom Mallon BL instructed by Arthur Cox, Solicitors, Earlsfort Centre,
Earlsfort Terrace, Dublin 2

Preliminary Point

The Tribunal in this matter is dealing with the preliminary point as to whether it has jurisdiction to hear the claim, in light of the fact that the claimant signed a compromise agreement relating to the termination of his employment for reasons of redundancy, together with a waiver, and received a compromise monetary settlement. This agreement has been fully implemented.

The claimant seeks the Tribunal to set aside a compromise agreement on the grounds of deliberate misrepresentation.

The Tribunal has no inherent jurisdiction to look behind a compromise agreement which has been fully implemented and contains a waiver or release and discharge clause to either uphold same, or set it aside. This is in the nature of equitable declaratory relief which the Tribunal does not possess. Therefore the Tribunal declines jurisdiction to hear and determine this claim.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)