

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.
UD1847/2011

EMPLOYEE *-claimant*

against

EMPLOYER *-respondent*

EMPLOYER *-respondent*
under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms O. Madden B.L.
Members: Mr. C. McHugh
Ms M. Mulcahy

heard this claim at Dublin on 15th February 2013

Representation:

Claimant: Ms Frances Meehan BL instructed by Mr. Ciaran O'Meara Solicitor,
O'Mara Geraghty McCourt, Solicitors, 51 Northumberland Road, Dublin 4

Respondent: REP

Preliminary point on Jurisdiction:

The T1A form reached the Tribunal outside the six months allowed by the Unfair Dismissals Acts, 1977 to 2007 but within the twelve months to which the time limit can be extended in the event that the Tribunal is satisfied that exceptional circumstances prevented the giving of notice within the six months allowed.

Determination:

By letter dated 25th August 2011 the claimant's solicitor wrote to the respondent giving formal indication of their client's notice of termination of her contract.

Section 8 (2) of the Unfair Dismissals Acts, 1977 To 2007, provides:

“(2) A claim for redress under this Act shall be initiated by giving a notice in writing (containing such particulars (if any) as may be specified in regulations under [section 17](#) of this Act made for the purposes of subsection (8) of this section) to a rights commissioner or the Tribunal, as the case may be, within 6 months of the date of the relevant dismissal and a copy of the notice shall be given to the employer concerned within the same period.”

Section 7 (2) (b) of the Unfair Dismissals Acts, 1977 To 2007, provides:

“(b) if the rights commissioner or the Tribunal, as the case may be, is satisfied that exceptional circumstances prevented the giving of the notice within the period aforesaid, then, within such period not exceeding 12 months from the date aforesaid as the rights commissioner or the Tribunal, as the case may be, considers reasonable,”

As this claim was submitted outside of the time limit allowed under the Unfair Dismissals Acts, 1977 To 2007, the Tribunal does not have Jurisdiction to hear the claim.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)