

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:  
4 Employees

CASE NO.  
UD256/2007

UD257/2007

UD258/2007

UD259/2007

against

Employer

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. J. Sheedy

Members: Mr. J.J. Killian  
Mr. J. McDonnell

heard these claims in Waterford on 17 January 2008

#### **Representation:**

Claimants: Ms. Marguerite Bolger B.L. instructed by Mr. Justin Cody,  
James Cody & Sons, Solicitors, Centaur Street, Carlow

Respondent: Mr. John Goff, Nolan Farrell & Goff, Solicitors, Newtown, Waterford

This case was heard simultaneously with UD260/2007-UD262/2007.

#### **The determination of the Tribunal was as follows:**

##### Preliminary Point:

A preliminary issue to be determined by the Tribunal was whether the Tribunal had jurisdiction to deal with the claims under the Unfair Dismissals Acts, 1977 to 2001.

It was submitted by the respondent's solicitor that the claimants had been dismissed on the 15 March 2006. The claimants subsequently lodged claims with the Rights Commissioners Service under the above Acts on the 22 August 2006. Their employer objected to a hearing by a Rights Commissioners in September 2006. The claimants delayed in lodging their T1A forms to the Tribunal and were therefore outside of the stipulated six-month time limit.

The claimants' counsel submitted that the claimants were dismissed on the 10 March 2006 and minimum notice paid to them. The claimants subsequently lodged claims to the Rights Commissioner service under the above Acts on the 22 August 2006. The respondent objected to the claims being heard by the Rights Commissioners by objection dated 18 September 2006. The claims were then lodged to the Employment Appeals Tribunal and received on the 23 February 2007. Counsel for the claimants referred to Section 8(2) of the Unfair Dismissals Act 1977 in which it states "*A claim for redress under this Act shall be initiated by giving a notice in writing.....to a Rights Commissioner or the Tribunal, as the case may be, within 6 months of the date of the relevant dismissal.*"

**Determination of Preliminary Issue:**

The Tribunal noted that notice had been paid. The Rights Commissioner claims were lodged within six months of the last date for which the claimants were paid by the respondent. Therefore, the Tribunal is unanimous in finding, under the Unfair Dismissals Acts, 1977 to 2001, that the claims now before the Tribunal can proceed to hearing of the substantive issue.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)