

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employer
- Appellant (The Employer)

UD1409/2008

against the recommendation of a Rights Commissioner R-057960-UD-07
In the case of

Employee
- Respondent (The Employee)

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. M. O'Connell B.L.

Members: Mr. M. Flood
Mr. F. Barry

heard this appeal at Dublin on 6 April 2009

Representation:

Appellant:

Ms. Angela Grimshaw, Peninsula Business Services (Ireland) Limited,
Unit 3, Ground Floor, Block S,
East Point Business Park, Dublin 3

Respondent:

Mr. Marcin Szulc, Maguire McClafferty Solicitors,
8 Ontario Terrace, Portobello Bridge, Dublin 6

The determination of the Tribunal was as follows:

This appeal arose as a result of an employer (the appellant) appealing against a recommendation of a Rights Commissioner R-057960-UD-07 in the case of an employee (the respondent)

There was a preliminary application on behalf of the employee whereby it was submitted that the recommendation of the Rights commissioner having been signed on 24 September 2008 and the appeal by the employer against the recommendation not being received by the Tribunal secretariat until 12 November 2008 then the appeal was lodged outside the period of six weeks as provided in section 9 (2) of the Unfair Dismissals Acts, 1977 to 2007. It was accepted that no action was taken towards lodging an appeal until the employee's representative contacted the employer on

November 2008.

Determination

The Tribunal is satisfied that by virtue of the appeal having been lodged outside the period of six weeks provided in Unfair Dismissals Acts, 1977 to 2007 there is no jurisdiction to hear the appeal

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)