

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP2186/2009
MN1827/2009
WT819/2009

against

EMPLOYER – *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P O'Leary BL

Members: Mr M Carr
Mr O Nulty

heard this appeal at Drogheda on 15th October 2010

Representation:

Appellant(s): In person

Respondent(s): Mr Kieran Haran
Branigan Berkery & Co Solicitors
29 Laurence Street, Drogheda, Co. Louth

The decision of the Tribunal was as follows:

The claimant lodged his claim form with the Tribunal on September 1st 2009. He left his employment on January 18th 2008. He contended that he had been constructively dismissed. He had a hearing with a Rights Commissioner concerning a claim under the Organisation Of Working Time Act, 1997. He had not appealed the decision.

Determination:

Because the claim under the Organisation Of Working Time Act, 1997, was heard by a Rights Commissioner and the decision was not appealed the Tribunal is statute barred from hearing this matter.

The claimant's claim was not entered with the Tribunal until twenty months following the termination of his contract. The claimant voluntarily left his employment and there was no dismissal. In the circumstances, the Tribunal had no the jurisdiction to hear the unfair dismissals claim. It follows therefore that the appeal under the Redundancy Payments Acts, 1967 to 2007, and the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, cannot succeed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)