

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYER

CASE NO.
UD511/2011

against the recommendation of the Rights Commissioner in the case of:
EMPLOYEE

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K. T O'Mahony B.L.

Members: Mr. P. Casey
Mr D. McEvoy

heard this appeal at Tralee on 29th June 2011

Representation:

Appellant : Ms Faye Revington B L
Law Library, Four Courts , Dublin 7

Respondent : O'Connor Dudley & Comyn, Solicitors, West End, Mallow, Co. Cork

This case came before the Tribunal by way of an appeal by the former employer against a decision by a Rights' Commissioner reference number r-081535-ud-09/pob

The determination of the Tribunal was as follows:

The appellant lodged a T1-B form with the Tribunal on 11 February 2011 appealing the recommendation of the Rights Commissioner dated 7 May 2010. The appellant's case was that, in error, he had lodged his appeal with the Rights Commissioners Service on 14 May 2010.

Under section 9 (2) of the Unfair Dismissals Act 1977 as amended a notice of appeal under the Unfair Dismissal Acts must be lodged with the Tribunal within six weeks of the date on which the recommendation to which it relates was communicated to the parties. The provisions of the section are stated in mandatory terms. The Tribunal has no discretion to extend the period for the lodgement of the appeal. Accordingly, the Tribunal had no jurisdiction to hear the appeal under the Unfair Dismissals Acts, 1977 to 2007.

Accordingly, the recommendation of the Rights Commissioner awarding the respondent herein

compensation in the sum of €10,000.00 stands.

This Order may be read in conjunction with UD1761/2010.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

