

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE -Appellant

CASE NO.
RP6/2011
MN4/2011
WT4/2011

against

EMPLOYER -Respondent A

EMPLOYER -Respondent B

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 D. MacCarthy S C

Members: Mr J. Hennessy
 Mr F. Dorgan

heard this appeal at Wexford on 24th April 2012

Representation:

Appellant: In Person

Respondents: In Person

The decision of the Tribunal was as follows:

The appeal under the Redundancy Payments Acts, 1967 to 2007, was submitted to the Tribunal on the 23rd November 2010. The appellant listed his date of termination on form T1A as the 16th January 2009. It was the appellant's case that he had been paid a redundancy lump sum but that the redundancy payment should have been calculated on a higher rate of pay.

The appellant withdrew the claim under the Minimum Notice Terms of Employments Acts, 1973 to 2005, as a Division of the Tribunal had previously issued a determination in relation to this matter (reference: MN323/2009).

Determination:

The claim was lodged well outside the 52 week time limit laid down by the Acts. The Tribunal has a discretion to extend this time to 104 weeks if it is satisfied that failure to bring the claim within that 52 week period “was due to reasonable cause.”

The appellant had several claims under different Acts, and the Tribunal is of the view that this claim was only an afterthought. We find that “reasonable cause” was not shown, and will not exercise that discretion in his favour. The claim under the Redundancy Payments Acts, 1967 to 2007, fails.

The claim under the Organisation of Working Time Act, 1997 fails as no evidence was given to support the claim for arrears under this Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)