

THE INDUSTRIAL TRIBUNALS

CASE REF: 8625/19

CLAIMANT: JulieAnn O’Kane

RESPONDENTS: 1. Department for the Economy
2. Department of Finance

DECISION ON A PRE-HEARING REVIEW

The decision of the tribunal is that the claims are dismissed for want of jurisdiction.

CONSTITUTION OF TRIBUNAL

Vice President (sitting alone): Mr N Kelly

APPEARANCES:

The claimant was represented by Mr Rogan.

The respondents were represented by Mr Rafferty, Barrister-at-Law, instructed by the Departmental Solicitor’s Office.

1. The claim was dismissed in an oral decision given with reasons at the conclusion of the hearing.
2. The tribunal concluded that:
 - (i) It had no jurisdiction to determine any claim in relation to breach of contract under the Industrial Tribunals Extension of Jurisdiction Order (Northern Ireland) 1994 because the claimant remained in employment.
 - (ii) Excess fares allowances were payments in respect of expenses for the purposes of Article 59(2)(b) of the 1996 Order and the tribunal therefore had no jurisdiction to hear the claim.
 - (iii) If the tribunal had had jurisdiction to hear the claim, the claim was substantially out of time for a period of approximately ten years and there were no grounds on which the time could be extended.

Employment Judge:

Date and place of hearing: 3 October 2019, Belfast.

Date decision recorded in register and issued to parties: