

## **EMPLOYMENT APPEALS TRIBUNAL**

CLAIMS OF:

CASE NO.

Employee

UD445/2006

MN278/2006

WT137/2006

against

Employer

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2001  
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001  
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. K. Buckley

Members: Mr. P. Casey  
Mr. J. McDonnell

heard this claim at Cork on 2nd July 2007, 5th December 2007 and 6th December 2007

Representation:

Claimant : Michael McGrath B.L. instructed by Ms. Kay Toher,  
Vincent Toher & Co., Solicitors,  
Legal Chambers, 2 Washington Street West, Cork

Respondent : Tom Power B.L. instructed by L K Shields, Solicitors,  
39/40 Upper Mount Street, Dublin 2

The determination of the Tribunal was as follows:-

The fact of dismissal was in dispute in this case

This case was opened to the Tribunal on 2<sup>nd</sup> July 2007. On this date submissions were made by both parties. The Chairman directed that both parties agree the relevant documents and to submit to the Tribunal by 27<sup>th</sup> August, 2007.

On 5<sup>th</sup> December counsel for the claimant said that there was a dispute in relation to two letters which the respondent's legal representative claims to have not received. Counsel for the respondent said the two letters in question were not received but that the remainder of the documents were agreed.

The claimant's solicitor gave evidence in relation to the book of documents. She compiled the

book of correspondence which contained letters and inter party correspondence and medical certificates. The two letters being objected to were dated 2<sup>nd</sup> September and 12<sup>th</sup> September 2005. Both these letters were sent from her office and they were filed in correspondence. The letter of 2<sup>nd</sup> September 2005 was sent to the respondent requesting the employment file and a response was received dated 5<sup>th</sup> September 2005. These letters would not have been sent by fax. In relation to medical certificates she said they had them on 2<sup>nd</sup> July 2007 and she could not understand why they would not have been sent from her office.

Counsel for the respondent said that letter dated 5<sup>th</sup> September 2005 was sent unsolicited. The documents in question were given in response to a telephone call between the claimant's solicitor and the respondent.

The Chairman stated that these matters could be dealt with during the course of the case.

### **Claimant's case:**

The claimant in his evidence told the Tribunal that he commenced his employment with the respondent on 2<sup>nd</sup> February 2005. Details of his pay were agreed between the parties. Initially there were no problems and the manager at that time was Australian. After about two months BMCD became the claimant's manager and he was also site manager. In the beginning there were no problems but then a certain individual was appointed as supervisor and he was being timed on his toilet break. This happened very often and he felt that other employees were treated better. He did not know why he was being picked on. One of the other employees who was from Nigeria was also treated badly. He then gave evidence about the 19<sup>th</sup> August 2005. Staff were not allowed to bring mobile phones into the plant therefore he left his phone in his locker. He noticed at break time that there was a missed call and he asked the supervisor if he could use the office phone and he gave him permission to do so. When the office was open the claimant went in to ring his wife. The claimant's wife wanted him to give her a number to ring someone and he asked another supervisor who was there at the time for a pen and paper. This other supervisor, R said he could not remember saying the claimant could use the phone and he told the claimant to "f--k off". He then called the claimant a name which means monkey. The claimant could speak Russian and was very upset. R said he was not afraid of the claimant as he was a boxer in his own country. The claimant was then told to go to the canteen and operations support manager was contacted. Prior to the arrival of the operations support manager the claimant's manager told him he would be very lucky to get his job back. The operations support manager took a statement from the claimant and he was suspended with pay for one week. This was Thursday or Friday. He was told that the operations support manager would ring him during the week to arrange for him to meet her in the office in Glanmire and she would then decide where to go from there. From the claimant's previous experience a friend of his was fired when he went to the office.

On the following Tuesday the operations support manager rang the claimant asking him to come to the office in Glanmire however he was not in a position to meet her that day as he had a prior appointment with his solicitor who subsequently made contact with the respondent. After a week he went back to work and everybody was looking at him and surprised to see him. His manager asked the claimant what he was doing and said the matter was still under investigation. The claimant asked why he was being treated in this way, was it that he did not like him and he asked for a note

but his manager said he did not have the authority to give him one. He agreed that the statement he gave on 12<sup>th</sup> October 2005 was correct. As far as the claimant could remember he received a letter dated 29<sup>th</sup> November 2005 from the operations support manager asking him to attend the office in Glanmire at a mutual time to be arranged. A further letter from the operations support manager, dated 5<sup>th</sup> December 2005 asking the claimant to make contact on or before 8<sup>th</sup> December 2005 was referred to by his counsel. When asked if he could remember receiving this letter he said it was a long time ago. As far as the respondent was concerned the two aforementioned letters were received by the claimant however as he had not made contact as requested a further letter dated 12<sup>th</sup> December 2005 was sent to him stating that if he did not contact the respondent within five working days it would be assumed he had resigned. A memo dated 13<sup>th</sup> December 2005 stated that from enquiries with SDS the letter dated 5<sup>th</sup> December 2005 had not been delivered to the claimant. This memo also stated that the operations support manager telephoned the claimant and he directed that any future dealings should be made through his solicitor.

Further correspondence was opened to the Tribunal including a letter addressed to the claimant from the operations support manager dated 22<sup>nd</sup> December 2005 stating that the investigation was completed and that he would continue his employment with the respondent. However it was felt that it would benefit the claimant to report for work at the Glanmire office on 3<sup>rd</sup> January 2006. His hours of work and rate of pay were to remain unchanged. In relation to this letter the claimant stated that he worked in excess of 39 hours per week as he drove the van and worked 10 hours overtime per week. The claimant did not know why he was being asked to re-locate to Glanmire. He did not receive a letter informing him that the investigation had been completed. He was paid during his suspension but was not paid after 22<sup>nd</sup> December 2005. The claimant was unwell at this time and was sick until 2<sup>nd</sup> March 2006. Copies of medical certificates were submitted to the Tribunal. There was no sick pay scheme in operation in the company. He did not feel comfortable with the way he was treated by the respondent. The claimant's medical report's were opened to the Tribunal with one concluding that "the physical, emotional, and behavioural problems suffered by (the claimant) have been caused by his negative experiences at work."

The claimant resigned on 2<sup>nd</sup> March 2006. He then gave evidence as to loss of earnings and he set up a cleaning business initially and then a security business. He also owns a bar but there were problems with the licence. He was doing security work for about four months prior to the hearing of this case.

In cross-examination the claimant stated that he is from Nigeria and has refugee status in Ireland. The reasons for such status he said were personal. Reference was made to the employee handbook and in particular to the section regarding gross misconduct. He said he never threatened another employee or manager. He denied that he threatened another employee who took his machine. He said he never got a verbal warning in relation to time-keeping yet when a copy dated 1<sup>st</sup> August 2005 was referred to he said he was forced to sign something. In relation to the incident on 19<sup>th</sup> August 2005 he had permission to use the phone and denied that he was aggressive and angry. Every time he complained he was told he would be shown the gates. In relation to the letter dated 29<sup>th</sup> November 2005 he said that any letter he received he brought it to his solicitor.

In answer to questions from Tribunal members the claimant said that at the time of his employment there were four or five non-Irish employees working for the respondent and two continue to work

there. The reason he would not work someplace else was because of the way he was treated by the respondent. The GP's report dated 8<sup>th</sup> March 2006 was referred to and the claimant was asked why certain details contained therein were not mentioned in the consultant psychiatrist report of 15<sup>th</sup> November 2006, he said that he answered the questions he was asked. He admitted that he drank a lot and this along with all his personal problems was brought on by his work situation.

The Tribunal also heard evidence from another employee of the respondent. This witness had been working with the respondent for nine years. As far as he was concerned the site operations supervisor was always looking for the claimant whereas witness and his colleagues could take a break without anyone looking for them. If witness used the bathroom or had a cup of tea nothing was said. Every Monday they would sit down and have a discussion on items such as safety, bullying, racism. When the claimant returned having been suspended, word had gone out that he was sacked and the investigation was still on going. While the claimant has a loud voice, he had never seen him threaten anyone. He was present on 19<sup>th</sup> August 2005 and he heard the supervisor telling the claimant to "f--k off" yet the supervisor was not suspended.

In cross-examination witness said that he has not been working with the respondent since 2005 and was dismissed because of his attendance record.

Another employee who had worked with the respondent from May – October 2005 also said that the claimant's breaks were timed. Both he and the claimant were timed when they were in the toilet and that seemed like harassment to witness. He said that only "black" people had their breaks timed. He felt that because he complained he was let off even though he was told it was because of shortage of work. On 19<sup>th</sup> August 2005 he heard the Russian man use the word to the claimant which meant "monkey" and he said to the claimant that they could sort the matter out after working hours. He was also denied cleaning materials which he needed to get his work done.

In cross-examination witness said that he understands Russian. He also said that none of the Irish employees had their toilet breaks timed.

The Tribunal also heard evidence from an employee who has worked with the respondent for ten years. He mentioned one occasion when the claimant was told that the respondent did not have the cleaning materials he needed but that was not the case. The cleaning materials in question were there. He also witnessed the claimant being timed on his toilet break and the site operations supervisor was waiting for him to come out of the toilet. He also witnessed the incident on 19<sup>th</sup> August 2005 when the claimant went in to the office to make a phone call. The claimant did not make a threat.

In cross-examination witness said that he left the respondent company in December 2006. Other colleagues of his were asked to give evidence but some changed their minds.

### **Respondent's case:**

The site manager for GSK gave evidence of there being forty-seven employees on the site the majority of whom are non-Irish. There were no other allegations of bullying and the employees seemed to get on well. They are all given the employee handbook. The claimant commenced his

employment as a cleaner in February 2005 and he was given the added responsibility driving the bus every day. He seemed eager and was one of the few who had the required driving licence. The claimant was issued with a verbal warning on 1<sup>st</sup> August 2005 due to lack of compliance with breaks and for finishing work early. It got so bad that witness had to stand in the middle of the site to view the employees coming out to make sure they were not leaving early. The claimant got a verbal warning because he was a repeat offender in this area. He never timed the claimant's toiletbreaks but he did time others. There were three floors and three operatives and as he went through the floors he could not see anybody therefore there were three missing. It was thirty-five minutes before he saw any operative and he named the person. On the middle floor he saw a pair of the respondent's overalls and he stood outside the toilet and it was twenty-seven minutes before anybody came out and again he named the person. He had no idea who was in there but in both cases the claimant was not involved. Visual checks are done on site and they tend to spend more time in one of the buildings.

He was not aware of the claimant being refused cleaning materials neither did not shake his fist at him. Witness did not recall saying "here's the gate" in relation to the claimant. On 3<sup>rd</sup> August 2005 the claimant came to him as there was a family difficulty and he needed to take some time off.

Witness told him he could go but enquired as to when he would be back as he was responsible for the driving. The claimant said he would be back later and in the meantime it was arranged for someone else to do the driving in his absence. Witness dropped the claimant at his home and he then got a voice message that he would be back at 11am the next day. When witness phoned at 12.30 the next day the claimant said he had been delayed and when he came back at 3.30 pm the claimant admitted he had abused his generosity.

On 19<sup>th</sup> August 2005 witness was on site with the site operations supervisor and at around 1.15pm he heard shouting and the site operations supervisor commented, "they are at it again". Witness went to the office and he saw the site supervisor facing him. The claimant had his back to witness and made a symbol on the ground and using foul language said to the site supervisor "I'll f--king sort this outside of work". He did not hear the word used that meant "monkey". He asked the claimant to come to the office and he phoned operations support manager asking her to join them however he did not take out the claimant's file and say there was a threat to his job. The site operations manager took statements and in the event of a serious incident there would have to be an investigation to determine the next course of action. A decision was made to suspend the claimant as he was the aggressor in this case. The site supervisor had calmed down after the incident but the claimant was still agitated. Witness was not aware of racist complaints prior to 19<sup>th</sup> August 2005.

When the claimant returned to work after the weeks suspension witness said to him that he was suspended pending the outcome of the investigation. The claimant wanted a letter of confirmation but as witness did not have the authority to issue such a letter he said he would contact the operations support manager and the letter would be sent to him. The claimant commented referring to the way "us blacks" were being treated by the respondent. When the claimant was asked if he was calling witness racist, he did not respond. There were other "black" employees in the company. As far as witness was concerned everybody was treated the same.

In cross-examination witness confirmed that the regional office was in Glanmire. The claimant was an average employee in terms of work being produced out of that area. He waited twenty-seven minutes outside the toilet as he did not find anyone and the building had to be cleaned. He had no

recollection of making the comment “--- there’s the gate ” and as far as he is concerned he did not say those words. He had no record of any complaints from anyone else. When asked why both men were not suspended, he answered that one seemed to be the aggressor and that the site operations manager made the decision. The claimant was suspended until the investigation was completed. He had no idea as to why other employees would think the claimant had been dismissed. In relation to the employee handbook he was not aware that the claimant could not read English as the claimant had started prior to witness in that position. He was not aware the claimant was not a union member.

The site operations supervisor at Glaxo, said that the respondent provides the cleaning service, i.e., the staff to clean in the process areas and in the labs. The plant covers one hundred and thirty acres. Individuals are assigned to areas and they know where to go each day. The claimant was given the employee handbook when he started in February 2005 and the respondent was not aware that he did not read English. Witness was appointed supervisor in April therefore he was not aware. On 17<sup>th</sup> May 2005 as witness was walking through one of the buildings the claimant said that if a particular individual takes his machine again he would “break his f--king arm”. Witness was surprised as the scrubbing machines are shared. He never refused the claimant cleaning materials unless they were temporarily out of stock and he would try to use an alternative where possible. The respondent would generally have a big stock of these specialised floor cleaners. The claimant never told him about the lack of cleaning stock. On 27<sup>th</sup> July 2005 at 12.48 he noticed the claimant and others in a different building and he asked what they were doing in that building as they should be out by 1pm. The claimant got agitated and was shouting. He was surprised to hear him talk in a raised voice. There was another incident in July when he noticed the claimant coming towards him at 12.45. 1 to 1.30 was the tea break time and the claimant became aggressive and refused to go back to his building. He spoke to the site manager and the claimant was issued with a verbal warning dated 1<sup>st</sup> August 2005. After this incident the claimant said he would take witness to court. The claimant never complained of being bullied or of racist behaviour towards him.

On 19<sup>th</sup> August 2005 as he was coming towards the canteen area he heard shouting from the respondent compound and said “they’re at it again”. He could see the claimant pointing at someone and he bent down and made a sign on the ground – and said “you don’t speak to me like that – if I see you on the road I’ll f--king kill you”. The claimant seemed agitated, this was not normal behaviour from an employee. They don’t have a policy of monitoring toilet breaks but if somebody was absent for an extended period they would check the toilets to make sure people were not gathering in there. Personally he never monitored the claimant’s toilet or cigarette breaks. He never heard the word which means “monkey” being used on 19<sup>th</sup> August 2005.

In cross-examination witness said that the site manager was his manager also. There were two site supervisors. His job was to make sure all the employees were in place and to maintain the standard that the client expects. The claimant’s behaviour was much the same as anyone else. When the claimant threatened to bring him to court he told his manager. He never said to the claimant, “here’s the gate”.

In answer to questions from Tribunal members he said they had to keep the client happy at all times and GSK brought it to their attention, not about the claimant, but generally.

The Tribunal also heard evidence from the site supervisor. In relation to the claimant he was in a

position to confirm matters regarding his time keeping and there were times when he brought this to the managers attention. He also heard the claimant say something to the last witness about court. He is from the Ukraine but can understand Russian. He never in his life would utter the word as stated by the claimant, which means "monkey". On 19<sup>th</sup> August 2005 he came to the office and unlocked his door and started doing some work. The claimant came in, said nothing, took the phone and started ringing. Witness went out and the claimant said "hey supervisor give me pen and paper". Witness asked who gave him permission to use the phone. The claimant said "you f--king supervisor". His tone was not good and he raised his voice. His face was showing his anger. There were three biros on the table and he could have taken one of them. The way in which he asked for the pen and paper was not normal. The claimant was using foul language in every second word and he threatened witness also. Witness mentioned that he was a boxer and he knows he should not have done so but this was the first time that someone threatened to kill him. He did not call the claimant names and he sometime slips into speaking the Ukraine language but not Russian. He had no other involvement with the claimant and there were no complaints from him about bullying or racist treatment.

In cross-examination regarding the 19<sup>th</sup> August incident when he asked the claimant who gave him permission to use the phone he said "you f--king supervisor". He used to work as a body guard in the Ukraine and he would say he was used to violent situations. As his life was being threatened he made reference to being a boxer and he thought it would calm the claimant down.

Another witness who was by the office on 19<sup>th</sup> August 2005 heard the claimant ask if he could use the phone and he was told that he could. When he tried to use the phone something happened and he heard the words "f--k off out" being used and the claimant said "you don't speak to me like that I'll f--king kill you". The claimant was very aggressive.

In cross-examination he said he expected the claimant to be suspended. He has worked with the respondent for three and a half years.

The Tribunal next heard evidence from the operations support manager. The respondent had three and a half thousand staff throughout the country and approximately 60% are non-Irish. She has responsibility for Galway, Limerick, Cork and Waterford i.e. all the regions outside Dublin. There have not been any other claims in relation to racism and bullying in her region. On 19<sup>th</sup> August 2005 she received a call from the site manager to go to the GSK site as there had been an incident. It took her about an hour to get there from Glanmire. She spoke to the site manager and asked him to give an overall view. She then spoke to the claimant, the site supervisor and the previous witness to get an idea of what happened. No one mentioned the word which meant "monkey". When she spoke to the claimant he was very agitated and said the site supervisor had told him to get out of the office. He then said that "blacks and whites" were not treated the same in GSK. She told him this was a separate issue and she would look into it. She felt sure that the claimant would have known who she was as she would have given talks in the past. There was no procedure for this immediate flare up and she did not feel comfortable. The claimant was agitated and she had to ask him to calm down. His voice was raised and she did not think he was as calm as he should have been. The site supervisor was very calm. She suspended the claimant with pay and had no reason to suspend both men and also the respondent would have been paying two employees to beat home.

The claimant was not given a time frame for the suspension and she would deal with the investigation as soon as she could. He was not told he was suspended for one week. She received a telephone call from the site manager saying the claimant had turned up for work and she advised him to tell the claimant he was still suspended and to go home. When he asked for a letter she promised to put one in the post and a copy of this letter, dated 29<sup>th</sup> August was opened to the Tribunal. The claimant said he gave the letters to his solicitor. The letter of 5<sup>th</sup> September she thinks was in response to a telephone call asking for a list of people involved in the investigation. She did not recall receiving letter dated 12<sup>th</sup> September 2005 from the claimant's solicitor enquiring as to the status of the claimant's employment with the respondent. Other letters dated 3<sup>rd</sup> and 5<sup>th</sup> October 2005 were referred to and likewise a statement dated 12<sup>th</sup> October 2005 and the word which meant "monkey" was not mentioned. On 12<sup>th</sup> October she felt that the claimant did not want to communicate with her and he just listened to the statements. She felt that the claimant did not use the process. Letters dated 29<sup>th</sup> November, 5<sup>th</sup> and 12<sup>th</sup> December 2005 were also referred to. In relation to the last letter mentioned she may have been out of the office dealing with a situation at Waterford Regional Hospital at the time. Witness was then referred to her note of 13<sup>th</sup> December 2005 where the claimant decided that all matters be dealt with through his solicitors office. At this stage she sent the notes and a report on the investigation to their Dublin office and the claimant was invited back to work and it was thought it would be of benefit to him to re-locate to Glanmire. He was asked to report back to work from 3<sup>rd</sup> January 2006 and this was conveyed to him by letter dated 22<sup>nd</sup> December 2005.

In cross-examination she said the claimant was suspended with pay as she felt he should not be left on the site as he was agitated. He was aware why he was suspended but she could not say why he came back after one week. There were about fifteen employees in the Glanmire office.

### **Determination:**

Having given the matter considerable deliberation, the Tribunal unanimously found that the claimant had not met the onus of proof required to establish a case for constructive dismissal.

The Tribunal was of the view that the claimant did not demonstrate a case whereby it could find that it was reasonable for the claimant to leave his employment.

The Tribunal is satisfied that an event of some seriousness took place on 19<sup>th</sup> August 2005 involving an incident after the use of a telephone in an office, necessitating a Company investigation to take place. The claimant was suspended as a result of the incident pending investigation. He didn't return to work.

The Tribunal was satisfied that the claimant had access to the Respondent Company's work practices and disciplinary procedure. Notwithstanding the fact that the claimant could not read English, it was clear that he had access to legal advice well in advance of 2nd March 2006 when the employment is stated to have ended. It was the view of the Tribunal that the claimant did not entirely co-operate with the internal processes as set out in the Company's procedure and didn't appear to engage in the process.

The claimant hadn't made any report of bullying or harassment to his Superiors prior to the incident



of the 19th of August 2005.

The claimant suggested that he suffered from depression and anxiety due to his treatment by the Respondent Company arising out of the investigation of the incident of 19th August 2005. The Tribunal gave consideration to a number of Medical Reports which were submitted in support of the claimant's claim. Some of the contents of the Medical Reports contradicted the direct evidence of the claimant. The Report of Dr. Mairead O' Leary of 15<sup>th</sup> November 2006 indicates that the Respondent advised her that he was quite well up to August 2005 and that he had no past psychiatric history up to that time. It is clear from the Report of Dr. Fergus O'Connell dated 8th March 2006 that the claimant was treated for anxiety by his General Practitioner as far back as December 2003, some thirteen months before he commenced employment with the Respondent Company. The Reports of the Psychiatrists do not mention the claimant's prior psychological history. The Tribunal felt that it was extremely unlikely that two experienced Medical Professionals would fail to ask a patient if he had any previous relevant medical history. The claimant explained away the absence of this information on the basis that he wasn't asked the question by either Psychiatrist. The Tribunal was of the view that the claimant was evasive and inconsistent in his evidence in relation to this issue.

The Medical Reports of Dr. O' Leary and Dr. Walshe are also contradictory in relation to the claimant's history of alcohol consumption. The Report of the two Psychiatrists differ substantially. The claimant suggested to Dr. O' Leary that he started drinking in December 2005 and drank ten pints and whiskey every day.

He advised Dr. David Walshe on 26th June 2007 that he drank four pints up to four days a week.

The claimant gave evidence that he rarely smoked before the incident of 19th August 2005. However, he also admitted in evidence that he took smoking breaks while at work.

The claimant gave evidence that the event of 19th August 2005 brought on his depressive condition and that this event caused an impairment in his relationship with his wife and girlfriend. The incident caused difficulties in his sexual relationship with his girlfriend. Dr. O' Leary's Reports states that the claimant advised her that he had not been living with his wife for two years prior to November 2006. Notwithstanding same he succeeded in having new born children with both his wife and girlfriend in the same month in 2006.

The Respondent Company offered to redeploy the claimant at its Glanmire Offices and he was asked to report back to work from January 2006. This offer was conveyed to him by letter of the 22nd December 2005. The Applicant was not satisfied to re-locate to Glanmire, was ill at the time and unable to return to work until the 2nd March 2006. The Tribunal was not satisfied that the claimant had shown sufficient reason for refusing the offer of redeployment at the Glanmire Plant other than that it was the stated belief of the claimant that this was "a made up job" so that he would be under the noses of Management who would keep an eye on him.

The claimant, in evidence, made reference to being called an "Abazano" during the incident of the 19th August 2005. This word is apparently the Russian for monkey. There is no mention of this allegation in any of the statements made immediately after the incident, nor was it subsequently mentioned to any of the Medical Practitioners. Given the amount of emphasis that was being made

in relation to this allegation by the claimant during his evidence, the Tribunal found it difficult to reconcile the earlier omission to the Operations Support Manager and to the two Psychiatrists.

The Tribunal accepted the Respondent Company's evidence that the claimant was very agitated after the event of the 19th August 2005 and accepted that the Company acted correctly from a safety point of view in removing one of the protagonists from the site. The Tribunal accepted the Operation Support Manager's evidence that the claimant was extremely agitated and that the Respondent did not act incorrectly in suspending the claimant until the investigation was complete.

The Tribunal was of the view that there were too many inconsistencies in the claimant's evidence to make it creditable and preferred the evidence of the Respondent Company.

The claim under the Unfair Dismissals Acts 1977 to 2001 is dismissed. The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 is also dismissed. The claimant is awarded the sum of €420 which is the equivalent of one week's wages under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)