

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee

CASE NO.
UD961/2006

for implementation of the recommendation of the Rights Commissioner
in the case of:

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. L. Ó Catháin

Members: Mr. T. O'Donnell
Mr. J. McDonnell

heard this appeal in Waterford on 4 January 2007

Representation:

Appellant(s) :

In person

Respondent(s) :

No attendance or representation

This case came to the Tribunal by way of appeal for implementation of Rights Commissioner Recommendation r-034268-ud-05/MMG by which it was recommended that the appellant be paid the sum of €3,000.00.

Appellant's Case

The appellant told the Tribunal that he had not received the payment recommended by the Rights Commissioner. There was no indication that the Rights Commissioner recommendation had been appealed within the permitted time-period.

Respondent's Case

There was no attendance by or on behalf of the respondent.

Determination:

Section 7 (4) (a) of the Unfair Dismissals Act, 1977 to 1993, states:

“Where a recommendation of a rights commissioner in relation to a claim for redress under this Act has not been carried out by the employer concerned in accordance with its terms, the time for bringing an appeal against the recommendation has expired and no such appeal has been brought, the employee concerned may bring the claim before the Tribunal and the Tribunal shall, notwithstanding subsection (5) of this section, without hearing the employer concerned or any evidence (other than in relation to the matters aforesaid), make a determination to the like effect as the recommendation.”

Accordingly, the Tribunal makes a determination to the like effect as Right Commissioner Recommendation r-034268-ud-05/MMG that the respondent pay the appellant the sum of €3,000.00 (this amount being equivalent to six weeks’ gross pay at €500.00 per week) under the Unfair Dismissals Acts, 1977 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)