

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

CASE NO.

UD1046/2006

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 D. Hayes B.L.

Members: Mr J. Walsh
Ms. K. Warnock

heard this claim at Navan on 21st March 2007

Representation:

Claimant(s) : Mr. John Regan, SIPTU, Dan Shaw Centre, Commons Road, Navan, Co. Meath

Respondent(s) : Not present or represented

This case came to the Tribunal by way of appeal for implementation of Rights Commissioner Recommendations R-036470-ud-05-JT.

The determination of the Tribunal was as follows:-

Claimant's Case

The claimant sought implementation of the Rights Commissioner's decision, R-036470-ud-05-JT where the Rights Commissioner found that the claimant was unfairly dismissed and awarded the maximum award of two years wages under the Unfair Dismissals acts, 1977 to 2001 and an award of 10 days pay in lieu of holiday entitlement for 2004/2005 and 3 and 1/3 days paid for 2005.

Determination:

There was no appearance by on behalf of the respondent company. The Tribunal was satisfied that it had properly put on notice of the hearing.

The Tribunal was satisfied the time delimited by section 9 (2) of the Unfair Dismissals Acts, 1977

to 2001 to appeal a recommendation of a Rights Commissioner had expired without an appeal having been brought. That time having expired, the claimant has brought a claim for enforcement of the Rights Commissioner's recommendation. As the first time for appeal has expired, the only evidence that the Tribunal can hear is in relation to the performance or otherwise of the recommendation. The Tribunal cannot at this stage reopen the merits of the case before the Rights Commissioner.

The Tribunal is satisfied that the recommendation has not been performed in any way. The Tribunal is satisfied that the claimant had a weekly wage of €276.92. On the basis of the Rights Commissioner's recommendation the Tribunal awards the claimant compensation in the amount of €29,538.08.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)