

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
Employee

CASE NO.
UD1053/2006, MN683/2006
WT329/2006

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 M. O'Connell B.L.

Members: Mr. B. Kealy
Mr J. Maher

heard this claim at Dublin on 5th April and 17th July 2007

Representation:

Claimant : Arthur P. McLean & Company, Solicitors, 31 Parliament Street, Dublin 2

Respondent: Mr Des Dockery B L instructed by
McCartan & Burke, Solicitors, Iceland House, Arran Court, Smithfield, Dublin 7

The determination of the Tribunal was as follows:

The Tribunal is satisfied that the claimant was properly notified of the hearing set down for 17th July 2007. An application to postpone that hearing made on 11th July was not granted to the claimant. He was not present for that application. The claimant's representative at that application hearing was told to inform the claimant that the hearing was proceeding as scheduled. The claimant's representative was also given leave to re-apply to the sitting division on the day of hearing. A similar application was again made on the claimant's behalf on 17th July 2007.

The claimant's representative acknowledged the non-appearance of the claimant and told the Tribunal of his attempts to contact the claimant with a view to attend the scheduled hearing. That representative asked the claimant to appear for this hearing. The claimant neither attended nor instructed his representative on this hearing.

In view of these circumstances the Tribunal finds that the claims under the Unfair Dismissals Acts,

1977 to 2001, the Minimum Notice and Terms of Employment Acts, 1973 to 2001, and the Organisation of Working time Act, 1997 are dismissed for want of prosecution.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

