

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM OF:  
Employee

CASE NO.  
UD658/2006

against  
Employer

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2001**

I certify that the Tribunal  
(Division of Tribunal)  
Chairman: Mr J. Sheedy  
Members: Mr J. Killian  
Ms H. Kelleher

heard this claim at Waterford on 7th September 2007

**Representation:**

Claimant: Mr. Sean Kelly, A T G W U, 35 O'Connell Street, Dungarvan,  
Co. Waterford, Mr. Thomas Curran, A.T.G.W.U., Ring, Co. Waterford  
Mr. John Purcell, Purcell Cullen Kennedy, Solicitors, Ash House, Cove  
Roundabout, Dunmore Road, Waterford

Respondent: Mr. Dave J. Pearson, GJ Moloney Solicitors, City Quarter,  
Lapps Quay, Cork

The determination of the Tribunal was as follows:

**Determination:**

The Respondent's representative and the Respondent's witnesses attended the hearing. The Claimant's representatives attended. The Tribunal are satisfied that the Claimant was properly notified of the hearing in this case. The Tribunal was made aware that the Claimant had a telephone conversation concerning the case with a colleague of his representative during the week prior to the hearing. The Tribunal was also told that the Claimant was out of the Jurisdiction. As the Claimant failed to appear before the Tribunal the Tribunal unanimously determines that the claim under the Unfair Dismissals Acts, 1977 to 2001, fails.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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