

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
Employee

CASE NO.
UD505/2007

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

2 Employers

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S C

Members: Mr. R. Prole
Ms M. Mulcahy

heard this claim at Dublin on 30th July 2007

Representation:

Claimant : In person

Respondent : Mr Niall Neligan BL instructed by
Ryan & Ryan, Solicitors, 5 St. Brigids Road, Clondalkin, Dublin 22

The determination of the Tribunal was as follows:

Section 8 (4) (a) of the Unfair Dismissals Act, 1977 as substituted by S.7 of the Unfair Dismissals (Amendment) Act, 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, 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.”

The Tribunal, being satisfied that the time for bringing an appeal against the recommendation has expired and no such appeal has been brought, makes a determination to the like effect as Rights Commissioner Recommendation r-041567-UD-06/JT and awards the appellant compensation for unfair dismissal in the amount of €30,000.00 under the Unfair Dismissals Acts, 1977 to 2001.

The Tribunal notes that an agreement is in place between the parties as regards the method and

timing of this compensation. In the event that this agreement is not honoured then the respondent is required to pay the full amount of the outstanding amount forthwith.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

