

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee

CASE NO.
PW30/2006

against the recommendation of the Rights Commissioner in the case of:
Employer

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Sheedy
Members: Mr. D. Hegarty
Mr. J. McDonnell

heard this appeal at Cork on 25th July 2007

Representation:

Appellant(s) : Mr. Terry O'Driscoll B.L., instructed by Mr. Kieran Griffin,
Solicitor, Kieran Griffin & Co, Solicitors,
Exchange House, Main Street, Ballincollig, Co Cork
Respondent(s) : No Appearance or Representation

The decision of the Tribunal was as follows:-

This matter came before the Tribunal by way of an employee appealing against the recommendation of a Rights Commissioner in the case of Employee –vs- Employer (ref no. r-037862-pw-05-DI) under the Payment of Wages Act, 1991. At the outset, the representative for the appellant confirmed that a Transfer of Undertakings had taken place and the correct respondent was named above. The appellant gave evidence regarding his appeal under the Payment of Wages Act, 1991. The Tribunal established in further correspondence, that the representative that had acted for the appellant prior to the above-named representative, had failed to notify the respondent in the manner prescribed under Section 7 (2)(b) of the Payment of Wages Act, 1991. Accordingly, the Tribunal has no jurisdiction to hear this appeal and the appeal under the Payment of Wages Act, 1991, is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)