

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

CASE NO.

UD138/2007

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: Ms. E. Kearney BL

Members: Mr. B. O'Carroll
Ms H. Henry

heard this claim at Galway on 22nd January 2008

Representation:

Claimant(s) : In person

Respondent(s) : Una Fleming, Semple Solicitors, Lough Corrib House, Waterside, Galway

The determination of the Tribunal was as follows:-

This implementation of a recommendation comes before the Tribunal after the hearing by the Rights Commissioner of a claim under the Unfair Dismissals Acts, 1977 to 2003 heard on October 31st 2006 (r-043141-ud-06/JH).

Determination:

The Tribunal is satisfied that the time delimited by Section 9 (2) of the Unfair Dismissals Acts, 1977 to 2003 to appeal the recommendation of the Rights Commissioner has expired without an appeal has been brought.

As the time for the appeal has expired the only evidence the Tribunal can hear is in relation to the performance of the respondent or otherwise of the recommendation. The Tribunal cannot, at this stage, re-open the merits of the case before the Rights Commissioner.

The Tribunal is satisfied that the recommendation has not been preformed in any way and accordingly, the Tribunal makes a determination to the like affect as the Rights Commissioner recommendation, r-043141-ud-06/JH, that the respondent pay the claimant under the Unfair Dismissals Acts, 1977 to 2003, r-043141-ud-06/JH) the sum of € 4,800.00.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)