

## **EMPLOYMENT APPEALS TRIBUNAL**

APPEAL OF:  
Employee

CASE NO. TE51/2007

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

Employee  
v  
Employer

under

### **TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms P. McGrath

Members: Mr E. Handley  
Mr G. Whyte

heard this appeal at Dublin on 16th January 2008

Representation:

Appellant: No appearance

Respondent: Ms Joan Devine, Strokestown, Co Roscommon

The case came before the Tribunal by way of an appeal by the employee against the recommendation of a Rights Commissioner Ref: r-046398-te-06/JT. The employee was seeking to have the recommendation upset in relation to the Terms of Employment (Information) Act, 1994 And 2001.

### **The decision of the Tribunal was as follows:**

The appellant was in attendance at the Tribunal offices prior to the hearing, however, he left before proceedings began without notifying the Secretary to the Tribunal or any other staff member. The Secretary looked for the appellant in the vicinity of the offices but he could not be located. As instructed by the Tribunal, the secretary phoned the solicitor on record to confirm that the appellant would not be returning. The solicitor confirmed that he would not be in attendance and that his client would not be returning to the hearing. The Tribunal upholds the decision of the Rights Commissioner under the Terms of Employment (Information) Act, 1994 and 2001 for want of a prosecution.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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