

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
Employee

CASE NO.
UD1194/2006
WT368/2006

against
Employer

under

**ORGANISATION OF WORKING TIME ACT, 1997
UNFAIR DISMISSALS ACTS, 1977 TO 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr R. Murphy
Ms. E. Brezina

heard this claim at Mullingar on 22nd May 2008

Representation:

Claimant(s) : Not present or represented

Respondent(s) : J. A. Shaw & Co., Solicitors, Bishopsgate St., Mullingar, Co. Westmeath

The determination of the Tribunal was as follows:-

The Determination of the Tribunal was as follows: -

Background:

The Tribunal received notice by facsimile on the late afternoon of May 21st 2008 to the effect that the claimant no longer intended to pursue the claim and withdrew the claim. The respondent and their representative arrived at the Tribunal on the day of hearing and had only been informed of the withdrawal of the claim by the claimant the previous evening, May 21st 2008.

An application was then made by the respondent's representative for costs to be awarded to them as provided in S.I. 24 of 1968, Redundancy (Redundancy Appeals Tribunal) regulations, 1968 paragraph 19(2). The respondent's sought costs in the amount of € 500.00 in respect of their accountant's arduous task of compiling financial documentation from 2003 to the date of the claimant's leaving the respondent's employment.

Determination:

S.I. 24 of 1968, paragraph 19(2) thereof, provides that:

“Where in the opinion of the Tribunal a party to the proceedings (and, if he is a respondent, whether or not he has entered an appearance) has acted frivolously or vexatiously, the Tribunal may make an order that that party shall pay to another party a specified amount in respect of travelling expenses and any other costs or expenses reasonably incurred by that other party in connection with the hearing.”

The Tribunal being satisfied that the respondent should have been informed of the withdrawal of the claim at some earlier stage makes an order that the claimant pays the respondent the sum of € 500-00 under the above provision of Statutory Instrument No.24 of 1968 in respect of the accountant’s costs.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)