

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:  
Employee

PW21/2008

CASE NO.

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. M. O'Connell BL

Members: Mr. M. Flood  
Mr. P. Woods

heard this appeal at Dublin on 17th June 2008

#### **Representation:**

Appellant: In person

Respondent: Ms Anna Killilea and Mr Brendan Mulligan

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an appeal of a Rights Commissioner's decision: Ref r-049885-pw-07/MMG.

#### **Determination**

The Tribunal having heard submissions from the parties on the preliminary issue, namely whether the Payment of Wages Act, 1991 provides the appellant with a remedy given that his claim is for expenses. The Tribunal believes that the sums claimed, €791.00, were to ensure that he was not out of pocket for travel and subsistence costs. Therefore the Tribunal believes that the claim amounts to a claim for expenses and having regard to Section 1 of the Payment of Wages Act, the Tribunal does not have jurisdiction to hear the matter.

This determination is made without prejudice to the merits of the claim for expenses.

The appeal fails and the decision of the Rights Commissioner is upheld.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

