

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
Employee

CASE NO.
UD388/2007
MN264/2007

against

Employer

UNFAIR DISMISSALS ACTS, 1977 TO 2001 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Sheedy
Members: Mr. M. Forde
Mr. K O'Connor

heard this claim at Limerick on 14th May 2008

Representation:

Claimant: Mr. Edmond J. Dillon, Micheál Glynn & Co., Solicitors, 98
O'Connell Street, Limerick

Respondent: Mr. Eddie Farrelley BL instructed by Ms. Denise Fanning, Solicitor,
Assistant Manager Of Legal Services, Das Group, 12 Duke Lane, Dublin 2

The determination of the Tribunal was as follows:

The claims before the Tribunal were withdrawn at the opening of this case. 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).

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."

"(3) Notwithstanding subparagraph (2), costs shall not be awarded in respect of the costs or expenses in respect of the attendance of counsel, solicitors, officials of a trade union or

of an employers' association appearing before the Tribunal in a representative capacity.”

Determination:

The Tribunal is satisfied that no sufficient grounds were outlined in support of the Respondent's application for costs.

The Tribunal unanimously determines that no award be made to the Respondent in this respect.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)