

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

Employee

CASE NO.  
PW27/2008

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

2 Employers

under

### PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. Cagney BL

Members: Mr. J. O'Neill  
Ms. E. Brezina

heard this appeal at Dublin on 24th June 2008

#### **Representation:**

Appellant: In person

Respondent: Mr. Stephen Sands, CIF, Construction House, Canal Road, Dublin 6W

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-056179-pw-07/JT.

#### **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 subsistence. The Tribunal finds 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.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

