

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
Employee

CASE NO.
UD1283/2006

against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. McAveety

Members: Mr. D. Morrison
Mr. P. Clarke

heard this claim in Sligo on 1 April 2008

Representation:

Claimant(s) :

Mr. Marcin Szulc, Maguire McClafferty, Solicitors,
8 Ontario Terrace, Portobello Bridge, Dublin 6

Respondent(s) :

Mr. Noel McCrumlish, Administration Manager, Avena
Developments Limited, Avena House, Ballisodare, Co. Sligo

The determination of the Tribunal was as follows:-

The Claimant's Case

After neither the claimant nor anyone acting on his behalf arrived to attend the Tribunal hearing scheduled for 1 April 2008 the Tribunal received a fax from the claimant's firm of solicitors saying that they had received no contact whatsoever from the claimant since November 2006. The fax went on to say that it had been thought that the Tribunal had been informed of this but that it appeared that the matter had been confused with a similar matter relating to payment of wages which was with the Rights Commissioner service.

In these circumstances, the fax continued, the claimant's representatives advised the Tribunal that it had no instructions in relation to the matter before the Tribunal and that it could not oppose an application by the respondent to strike the matter out. The claimant's representatives apologised to

the Tribunal and to the respondent for any oversight involved in not previously informing the Tribunal and the respondent of the position.

The Respondent's Case

The respondent's representative confirmed that he had seen a copy of the said fax and said that he wanted the claimant's unfair dismissal claim struck out.

Determination:

The claim under the Unfair Dismissals Acts, 1977 to 2001, is dismissed.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)

