

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF

CASE NO.

Employee

UD510/2007

against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K.T. O'Mahony B.L.

Members: Ms M. Sweeney
Mr J. McDonnell

heard this claim at Cork on 1st February 2008

Representation:

Claimant :

Frederick V Gosnell, Solicitors, Pembroke House, Pembroke
Street, Cork

Respondent :

XXXX

The determination of the Tribunal was as follows:-

Determination:

There was no appearance by or on behalf of the claimant at 10.30am on 1st February 2008, the scheduled time for the hearing. The notices of hearing, sent to the claimant by registered post and to his legal representative by ordinary post, had not been returned to the Tribunal. The secretary to the division of the Tribunal contacted the claimant's legal representative who informed her that neither the claimant nor he had received the notice of hearing. Whilst the Tribunal offered to begin the hearing at a later time that morning the claimant was unable and/or unwilling to attend for the hearing at any time that morning. The claimant's representative came before the Tribunal later that morning and made an application to adjourn the case on the basis that neither he nor the claimant had received the notice of hearing from the Tribunal.

The notice of hearing was posted to the claimant by registered post on 14th December 2007. The An Post Delivery Record Card showed that the registered letter was delivered to and signed for by the claimant on 15th December 2007. The Tribunal was satisfied that the claimant had signed for the registered letter and that he had due notice of the hearing on 1st February 2008. The Tribunal refused the application to adjourn the hearing and dismisses the claim under the Unfair Dismissals Acts 1977 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)