

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.
PW43/2007

2 Employers

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

Employee

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Sheedy

Members: Mr. J. Hennessy
Mr. D. McEvoy

heard this appeal at Cork on 21st November 2007

Representation:

Appellant: XXXX

Respondent: No appearance or representation.

The decision of the Tribunal was as follows:

This case came before the Tribunal by way of an appeal by the employer against the recommendation of a Rights Commissioner, ref: r-043490-pw-06/MMG dated 22 January 2007.

Appellant's case:

The employer gave evidence that she was unable to attend the Rights Commissioner hearing due to an illness. She said that the Respondent had claimed commission, but that the company did not pay commission to its employees. His case was a fabrication. His job was to recruit doctors for the HSE. She added that it was a difficult situation, as he was her nephew. He submitted his resignation by e-mail, and was not entitled to the monies claimed. She said that she had no written evidence of commission being offered or not.

Determination:

The Tribunal is satisfied that the respondent was properly notified of this hearing. Neither he, nor a representative on his behalf, appeared for this case. Based on the uncontroverted evidence of the Appellant the appeal succeeds and the decision of the Rights Commissioner under the Payment of Wages Act, 1991 is set aside.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

