

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

PW8/2008

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

Employer

under

### PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr M Kennedy  
Mr F Barry

heard this appeal at Dublin on 24<sup>th</sup> April 2008

#### **Representation:**

Appellant: No appearance or representation

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 employee against the decision of a Rights Commissioner, ref: r-053821-pw-07/EH dated 13<sup>th</sup> December 2007.

#### **Determination:**

The Tribunal is satisfied that both parties were properly served with notice of the hearing. However neither side, nor their representatives, appeared on the day of the hearing. The Tribunal notes that there had been no appearance by or on behalf of either party at the hearing before the Rights Commissioner who decided that both the appellant and respondent had been properly notified of that hearing. A letter from a firm of chartered accountants stating that the respondent firm was in administration was included amongst the documents furnished to the Tribunal. The Tribunal made enquiries of its own motion and found that the appellant has been paid by the Insolvency Payments

section of the Department of Enterprise, Trade and Employment 6 weeks arrears of wages and a further 1.64 weeks holiday pay.

The Tribunal determines that the appeal fails for want of prosecution. The Tribunal upholds the decision of the Rights Commissioner, and the appeal under the Payment of Wages Act 1991 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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