

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE – claimant

CASE NO.  
UD241/2009  
MN234/2009  
WT90/2009

against

EMPLOYER - respondent

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**  
**ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr P O'Leary BL

Members: Mr J O'Neill  
Mr O Nulty

heard this claim at Cavan on 27th October 2009

Representation:

\_\_\_\_\_  
Claimant(s): Mr Alan Crossan  
Garrett J. Fortune & Co., Solicitors,  
11 Church View, Cavan

Respondent(s): Mr Dessie Shiels  
Solicitor  
16 Academy Court, Letterkenny, Co. Donegal

The determination of the Tribunal was as follows:

The claimant did not appear at the hearing. The claimant's representative made an application for a postponement of the hearing, as the claimant was unable to attend the hearing as he had moved to New Zealand. The claimant's representative had only managed to contact the claimant the week prior to the hearing. The respondent objected to the application.

The Tribunal ordered that if the claimant was prepared to pay the costs of the respondent, for their appearance at the hearing that day, the Tribunal would be disposed to grant the postponement. The claimant's representative was to confirm to the Tribunal, within 24 hours, whether the claimant was going to give such an undertaking, and, if no undertaking was given, the claim against the respondent would be dismissed.

Determination:

The Tribunal did not receive such undertaking from the claimant or the claimant's representative within the assigned time, and therefore, dismisses the claimant's claims under the Unfair Dismissals Acts, 1977 to 2007, the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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