

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

UD1207/2008

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

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mrs. M. Levey BL

Members: Mr. P. Pierce
Mr. Al. Butler

heard this claim at Dublin on 5th January 2009

Representation:

Claimants: Mr. Sean O’Gorman, 3 Annaville Avenue, Blackrock, Co. Dublin

Respondents: Mr. Tom Mallon SC, instructed by Mr. Niall Pelly of Arthur Cox Solicitors,
Earlsfort Centre, Earlsfort Terrace, Dublin 2

The determination of the Tribunal was as follows: -

This case came before the Tribunal by way of appeal against the recommendation of the Rights Commissioner in r-062607-ud-08/EH

Determination

This case was an appeal of the recommendation of the Rights Commissioner made on 7th October 2008.

The Tribunal having heard the evidence furnished by the appellant and the submissions and the reference to the case of Byrne v Quigley, UD762/1994 heard on 31st January 1995, of Mr. Tom Mallon SC, instructed by Mr. Niall Pelly of Arthur Cox Solicitors, for the respondent the Tribunal is of the unanimous view that the finding of the Rights Commissioner is upheld. And accordingly the appeal fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)