

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

Employee

UD574/2008

Against

2 Employers

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. Hayes BL

Members: Mr F. Moloney
Mr. J. Dorney

heard this claim at Dublin on 24th September 2008

Representation:

Claimant(s): No attendance by or on behalf of the claimant.

Respondent(s): Ms. Dawn Noble, IR/HR Executive, IBEC Confederation House,
84/86 Lower Baggot Street, Dublin 2

The determination of the Tribunal was as follows:-

Determination

This case came on for hearing on 24th September 2008. The claimant is a foreign national and required the services of an interpreter. An application had been made to the Tribunal that this service be provided. This application was acceded to. The Tribunal made arrangements for an appropriate interpreter to attend the Tribunal at 10a.m. on the morning of the hearing. At 10.30a.m. the time at which the hearing was due to start, there was no interpreter present. The Tribunal directed that enquiries be made as to the interpreter's whereabouts. The Tribunal sat at 11.10a.m. intending to adjourn the claim until such time as an interpreter was available. The claimant, who was on the premises at the time, did not appear before the Tribunal, despite being requested to do so. As the Tribunal sat it received word that an interpreter was on the way and would be present within a very short period. This was conveyed to both parties at 11.15a.m. The Tribunal therefore decided to rise and await the interpreter.

At 11.25a.m. the claimant told the Tribunal secretary that as no interpreter was present he intended

to leave. He was re-assured of the imminent arrival of the interpreter and that the hearing would commence immediately on her arrival. Notwithstanding this, the claimant departed. At 11.30a.m. the interpreter arrived. When the Tribunal sat the respondent's representative made an application for the claim to be dismissed given that the claimant was not there to prosecute his claim. Given that the claimant had decided to leave without leave of the Tribunal; that the other party had been prepared to await the arrival of the interpreter; and that he was not in attendance to prosecute his claim, the Tribunal acceded to the application and dismissed the claim under the Unfair Dismissals Acts, 1977 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

