

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

Employee

CASE NO.

PW61/2008

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. O'Connor

Members: Mr. M. Forde
Mr. K. O'Connor

heard this appeal at Killarney on 21st November 2008

Representation:

Appellant(s): No appearance or representation

Respondent(s): Michael Sheeran, Baile an Trasne, Ventry, Co. Kerry

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an appeal by the employee (*hereinafter referred to as the appellant*) against the decision of the rights commissioner; PW55185/07/MR dated 10 March 2008.

Notice of the Tribunal hearing was sent to the appellant and respondent by registered post dated 9 October 2008. The hearing of the case was scheduled to commence at 10.30am. The Tribunal waited until 11.00am before proceeding with the hearing.

Respondents case:

The respondent's representative confirmed to the Tribunal that the appellant had not served notice of this appeal on him. He had not received any communication from the appellant. He received the first notice of this appeal from the Tribunal.

Determination:

The Tribunal was satisfied that the notice of hearing was properly served on the appellant in accordance with its procedure and based on the information supplied on the T1-B form. Same was

not returned to the Tribunal as “undelivered”. However, there was no appearance by him or on his behalf. Accordingly, the Tribunal upholds the decision of the rights commissioner that the appeal under the Payment of Wages Act, 1991 fails for want of prosecution.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)