

## EMPLOYMENT APPEALS TRIBUNAL

### APPEAL OF:

CASE NO.

Employee

- appellant

UD988/2008

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

Employer

- respondent

**under**

### UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms O. Brennan B.L.

Members: Mr. D. Winston  
Mr B. Byrne

heard this appeal at Naas on 25th March 2009.

### **Representation:**

Appellant: In person.

Respondent Ms. Elaine Kelly, BCM Hanby Wallace, Solicitors, 88 Harcourt Street, Dublin 2

The determination of the Tribunal was as follows:-

This case came before the Tribunal by way of the employee (the appellant) appealing against the recommendation of the Rights Commissioner under the Unfair Dismissals Acts, 1977 to 2001 (ref. R-06055-ud-07/JW)

### **Determination:**

The Tribunal notwithstanding the Rights Commissioner recommendation heard the appellant's concerns in relation to his appeal. The appellant told the Tribunal that he was in receipt of and read the terms and conditions pursuant to the respondent's Pension Scheme in 1999 and that he had been in receipt of and read the Pension Benefit Statements on divers dates. The appellant informed the Tribunal that he has been on sick leave since mid 2005 and as of now is still unavailable for work.

Accordingly, the Tribunal upholds the Rights Commissioner's recommendation.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

