

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

CASE NO.

- claimant

UD1477/2008

for implementation of the recommendation of the Rights Commissioner
in the case of:

2 Employers - *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr J. Hennessy
Mr B. Byrne

heard this claim at Kilkenny on 21st April 2009

Representation:

Claimant(s) : Mr. Phil Funchion, Noreside Resources Centre, 22 Vicar
Street, Co. Kilkenny

Respondent(s) : Mr. Pdraig J. Butler, Butler Walsh & Co., Solicitors, 10
Lower Patrick Street, Kilkenny

The determination of the Tribunal was as follows:-

Determination

In accordance with the entries in the Companies Registration Office , which show the business name XXXX as owned by the first named respondent company the Tribunal amends the title of the first named respondent and describe that respondent as XXXX

The first named respondent accepted that there is a balance of €3400.00 due to the claimant on foot of a Rights Commissioner's recommendation. The Tribunal determines that the first named respondent is liable in the said sum of €3400.00 to the claimant.

There was an issue between the parties as to whether the second named respondent, who is a director of the first named respondent company was also liable. The Tribunal finds on perusing payslips and other evidence that the first named respondent company was the employer. There was

some ambiguity in the Rights Commissioner's recommendation as to whether the second named respondent was a party at that hearing or was only representing the company. The Tribunal makes no determination against the second named respondent.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

