

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEAL(S) OF:**

Employee

- *appellant*

**CASE NO.**

UD1226/2008

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. P. McGrath B.L.

Members: Mr. M. Kennedy  
Ms. M. Maher

heard this appeal at Dublin on 10th March 2009

**Representation:**

Appellant(s): No appearance or representation

Respondent(s): Mr. Paul Gough, Eugene F. Collins, Solicitors, Temple Chambers,  
3 Burlington Road, Dublin 4

*(This case came before the Tribunal by way of an appeal by the employee [hereinafter referred to as the appellant] of the rights commissioner's recommendation; r-059489-ud-07/SR dated 5 September 2008)*

The determination of the Tribunal was as follows:-

Notice of the hearing was sent to the appellant by registered post and copy of same to the appellant's representative by ordinary post dated 2 February 2009. The hearing of the case was scheduled to commence at 2.30pm. The Tribunal waited until 2.45pm before proceeding with the hearing.

**Respondent's case:**

The respondent's representative attended the hearing as a matter of courtesy and explained to the Tribunal that it was his understanding that the case had been settled directly between the appellant and respondent.

**Determination:**

The Tribunal was satisfied that the notice of hearing was duly served on the appellant in accordance with its procedure and based on the information supplied on the T1-B form. However, there was no appearance by him or on his behalf. Accordingly, in upholding the recommendation of the rights commissioner, the Tribunal finds that the appeal under the Unfair Dismissals Acts, 1977 to 2001 fails for want of prosecution.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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