

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

Employee

- Appellant

CASE NO.

MN1394/2008

WT593/2008

Against

Employer

– Respondent

under

### MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr. B. Kealy  
Mr. N. Broughall

heard this claim at Dublin on 21st April 2009

#### **Representation:**

Appellants: Ms Fiona Kelly, Fm Kelly & Company, Solicitors, 69 Church Street, Skerries, Co Dublin

Respondent: O'Leary Arnold & Co, Solicitors, South Strand, Skerries, Co. Dublin

The decision of the Tribunal was as follows: -

The appellant's representative informed the Tribunal that the appellant has returned to Latvia and after numerous attempts as detailed below, could not get in contact with him.

20 <sup>th</sup> March 2009	-	e-mail to appellant
3 <sup>rd</sup> April 2009	-	e-mail to appellant
9 <sup>th</sup> April 2009	-	attempted phone call
16 <sup>th</sup> April 2009	-	two e-mails to appellant
16 <sup>th</sup> April 2009	-	attempted phone call
16 <sup>th</sup> April 2009	-	attempted phone call and voicemail to appellant's brother
20 <sup>th</sup> April 2009	-	attempted phone call to appellant and appellant's brother

The appellant's representative requested a postponement in hope of contacting the appellant at a future date.

The respondent's representative objected the postponement application and stated that they were ready to defend the case and wished to avoid any further expense.

**Determination**

As there was no appearance by the above named appellant on the date allocated for hearing, and the appellant has not been in contact with his representative or the Tribunal, his claims under the Minimum Notice and Terms of Employment Acts, 1973 to 1991, and Organisation of Working Time Act, 1997 are hereby dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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