

**EMPLOYMENT APPEALS TRIBUNAL**

**CLAIM(S) OF:**

Employee

**CASE NO.**

UD524/2009

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

Employer  
Employer  
Employer  
under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr T. Taaffe

Members: Mr. D. Winston  
Mr J. Maher

heard this claim at Dublin on 7th July 2009

Representation:

\_\_\_\_\_

Claimant(s) : In person

Respondent(s) : No appearance by or on behalf of the respondent.

The implementation came before the Tribunal by way of a Rights Commissioner's recommendation dated 13<sup>th</sup> January 2009 reference r-065047-ud-08/JC

The determination of the Tribunal was as follows:-

There was no appearance by or on behalf of the respondent company. The claimant confirmed that the respondent is still trading at the address provided on his application. The claimant has also been in contact with his former employer who was aware of this hearing. The Tribunal was satisfied that the respondent was on notice of the hearing and amended the order to include the legal entity of the respondent. The claimant attended the hearing and confirmed that the recommendation of the Rights Commissioner was not implemented.

The Tribunal was satisfied the time delimited by section 9 (2) of the Unfair Dismissals Acts, 1977 to 2007 to appeal a recommendation of a Rights Commissioner had expired without an appeal having been brought. As the first time for appeal has expired, the only evidence that the Tribunal can hear is in relation to the performance. The Tribunal cannot at this stage reopen the merits of the

case before the Rights Commissioner.

The Tribunal is satisfied that the recommendation has not been performed in any way. The Tribunal makes an order to the like affect of Rights Commissioner's recommendation.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

