

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

Employee

- appellant

CASE NO.

PW10/09

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

Employer

- respondent

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms O. Brennan BL

Members: Mr J. Goulding
Mr. P. Woods

heard this appeal at Dublin on 12th June 2009.

Representation:

Appellant: In person.

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

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an appeal by the employee (the appellant) against the decision of the Rights Commissioner ref. r-056947-pw-07/MH.

Determination:

The Tribunal is satisfied that the respondent was duly notified of this hearing. Neither the respondent nor a representative appeared on their behalf.

Having heard evidence from the appellant the Tribunal is not satisfied that the appellant notified the respondent of his intention to appeal the decision of the Rights Commissioner and therefore has not fulfilled the requirements as specified under Section 7(2)(b) of the Payment of Wages Act, 1991. This section states:

“(2) An appeal under this section shall be initiated by a party by his giving, within 6 weeks of the date on which the decision to which it relates was communicated to him –

- (a) a notice in writing to the Tribunal containing such particulars (if any) as may be specified in regulations under subsection (3) and stating the intention of the party concerned to appeal against the decision, and
- (b) a copy of the notice to the other party concerned”.

Accordingly, the Tribunal upholds the decision of the Rights Commissioner under the Payment of Wages Act, 1991.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)