

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

Employee

-appellant

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

CASE NO.

UD207/2009

Employer

-respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S C

Members: Mr J. Browne
Mr P. Trehy

heard this appeal at Wexford on 28th July 2009

Representation:

Appellant : No appearance or representation.

Respondent : Mr. John Farrell, IBEC, Confederation House, Waterford Business Park,
Cork Road, Waterford

This appeal came before the Tribunal by way of an appeal against a Rights' Commissioner's recommendation reference r-062755-ud-08/MMG

The determination of the Tribunal was as follows:

The appellant and her representative were notified by registered post dated 6 July 2009 of the date of this appeal hearing. Likewise the respondent and its listed representative were also notified on the same date.

Both the Tribunal with its secretary and the respondent and its representatives were in attendance for this hearing on the scheduled date, time and venue. Neither the appellant nor her representative appeared for the hearing. The Tribunal was satisfied that the appellant was properly notified of this hearing. The Tribunal not only allowed time for the appellant to appear but also made contact with her representative through the secretary. The Tribunal's office in Dublin was also contracted. That office had no relevant communication or information from the appellant regarding her non-appearance.

Considering the circumstances and the lack of prosecution of this case the Tribunal upholds the Rights' Commissioner's recommendation and dismisses the appeal under the Unfair Dismissals Acts, 1977 to 2007.

In addition and in accordance with section 19 (2) of Statutory Instrument 64 of 1968 the Tribunal

orders that the appellant discharges the sum of three hundred euro (€300.00) to the respondent in respect of travelling expenses and other costs to the respondent.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

