

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE **-appellant**

PW13/2009

against the decision of the Rights Commissioner R-066761-PW-08/POB
In the case of

EMPLOYER **-respondent**

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K.T. O'Mahony B.L.

Members: Mr. M. Forde
Mr. J. McDonnell

heard this claim at Killarney on 15 September 2009

Representation:

Appellant:
Mr. Slawomir Szymanski,
5 Market Court, Church Street,
Tralee, Co. Kerry

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

The determination of the Tribunal was as follows: -

This case came before the Tribunal as a result of an appeal by an employee (the appellant) against a decision of the Rights Commissioner under the Payment of Wages Act, 1991, R-066761-PW-08/POB. The Tribunal, being satisfied that the respondent was properly on notice of the hearing, heard the appeal in its absence.

Determination

The employee was employed from 12 June 2006 until 24 August 2006. His complaint under the Payment of Wages Act, 1991 was posted to the Rights Commissioner service on 2 July 2008 and received on 4 July 2008. Section 6 (4) of the Act provides that "*A rights commissioner shall*

not entertain a complaint under this section unless it is presented to him within the period of 6 months beginning on the date of the contravention to which the complaint relates or (in a case where the rights commissioner is satisfied that exceptional circumstances prevented presentation of the complaint within the period aforesaid) such further period not exceeding 6 months as the rights commissioner considers reasonable.”

The Tribunal is satisfied that the complaint was not presented to the Rights Commissioner within the period specified in section 6 (4) of the Payment of Wages Act, 1991. Accordingly the Tribunal upholds the decision of the Rights Commissioner.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)