

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
Employer

CASE NO.  
PW1/2009

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

Employee

-v-

Employer

under

### PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mrs. M. Quinlan  
Members: Mr P. Pierson  
Mr J. Le Cumbre

heard this appeal at Tullamore on 25th June 2009

#### Representation:

Appellant: Mr. Ronnie Wall Solicitor, Hoey & Denning, Solicitors, High Street,  
Tullamore, Co. Offaly

Respondent: In person

This case is before the Tribunal by way of an employer appealing the Decision of a Rights Commissioner, reference r-061673-pw-08.

The representative for the employer explained to the Tribunal that they were not appearing before the Tribunal to re-open the case but that they wished to explain the background to the case. Their position was that they sent a cheque to the employee to settle matters. The cheque was not cashed and they then received a Decision from a Rights Commissioner. The position was that they wished to revert to their original agreement/settlement. They would not re-open the case but would give evidence to clarify matters.

The employer gave evidence that he and the employee and representatives attended the Rights Commissioner hearing. They agreed that he was to pay a settlement of €330.00 to the employee in full and final settlement. He was not aware that there was a time limit to pay the amount nor that there would be a penalty of €896.00.

The employer was asked why he did not send the money within 14 days and he replied that he was not aware of 14-day time limit; also there were complications with the Revenue Commissioners.

The Tribunal heard evidence from a witness from the respondent who explained that he sent a

cheque to the employee to the address that he was given.

The employee did not wish to give evidence. However he indicated to the Tribunal that he wished the Rights Commissioner's Decision to stand. His position was that the agreement no longer stood.

**Determination:**

Having heard the evidence the Tribunal unanimously determine to uphold the Decision of the Rights Commissioner, reference r-061673-pw-08, PW 1/2009, under the Payment Of Wages Act 1991, and award the employee €896.31.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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