

## EMPLOYMENT APPEALS TRIBUNAL

### APPEAL(S) OF:

Employee  
- *appellant*

CASE NO.

PW32/2009

against the recommendation 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: Mr M. Gilvarry

Members: Mr. D. Morrison  
Mr P. Clarke

heard this appeal at Sligo on 1st September 2009

#### Representation:

Appellant: In person

Respondent: In person

This case came before the Tribunal by way of an employee appealing against the Decision of the Rights Commissioner ref: r-066064-pw-08/RG

The decision of the Tribunal was as follows:-

#### **Determination**

Section 7 (2) of the Payment of Wages Act, 1991 states that "*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*"

Section 7 (2) (a) "*a notice in writing to the Tribunal-----stating the intention of the party concerned to appeal against the decision, and*

Section 7 (2) (b) “*a copy of the notice to the other party concerned*”

The appellant in this case failed to send a copy of the appeal to the respondent within the six week period as stipulated under Section 7 (2) (b), therefore the Tribunal does not have jurisdiction to hear this appeal.

The Rights Commissioners decision dated 7<sup>th</sup> January 2009 therefore stands.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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