

## EMPLOYMENT APPEALS TRIBUNAL

### APPEAL(S) OF:

Employee

CASE NO.

PW161/2009

*- appellant*

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: Ms N. O'Carroll-Kelly BL

Members: Mr. J. O'Neill  
Mr A. Butler

heard this appeal at Dublin on 13th October 2009

### **Representation:**

Appellant(s) : In Person

Respondent(s) : Not present or represented

The decision of the Tribunal was as follows:-

**This case came before the Tribunal by way of an employee appealing against the Recommendation/Decision of the Rights Commissioner Ref: r-07322-pw-08/DI**

### **Determination**

On the appellant's admission she stated she had not notified the respondent of her intention to appeal the Rights Commissioners decision.

The Tribunal cannot hear the appeal as it has no option but to decline jurisdiction. S. 7(2) of the Payment of Wages Act, 1991, provides:

“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.”

The Tribunal is not satisfied that s.7 (2) (b) above has been complied with and therefore has no alternative but to find that it does not have jurisdiction to hear the appeal under the Payment of Wages Act, 1991, against Rights Commissioner Recommendation PW217/04/TB/

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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