

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE – *appellant*

CASE NO.  
PW127/2009

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: Ms. N. O’Carroll-Kelly BL

Members: Mr. L. Tobin  
Mr. P. Woods

heard this appeal at Dublin on 18<sup>th</sup> February 2010

Representation:

Appellant: In person

Respondent: In person

This appeal came before the Tribunal by way of the employee appealing against the decision of the Rights Commissioner under the Payment of Wages Act, 1991, reference r-070131-pw-08/JC.

The decision of the Tribunal was as follows:-

#### **Determination**

The Tribunal cannot hear this 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 the appeal under the Payment of Wages Act, 1991, against Rights Commissioner Recommendation r-070131-pw-08/JC, is not correctly before the Tribunal. The appellant remains entitled to the award made by the Rights Commissioner.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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