

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE

CASE NO.  
PW200/2009

*- 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. E. Daly B.L.

Members: Mr. D. Morrison  
Ms. R. Kerrigan

heard this appeal at Letterkenny on 5th February 2010

#### **Representation:**

Appellant(s) : Ms. Philomena McRory, P. McRory & Co., Solicitors, Shopping Centre, Ballbofey,  
Co. Donegal

Respondent(s) : Mr. Paddy Hannigan, Citizens Information Centre, Public Services Centre,  
Blaney Road, Letterkenny, Co Donegal

**This appeals came before the Tribunal by way of the appellant appealing against the decisions of the Rights Commissioner under the Payment of Wages Act, 1991, reference r-069232-pw-08/EOS.**

The decision of the Tribunal was as follows:-

#### **Determination**

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 r-069232-pw-08/EOS.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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