

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE  
- *appellant*

CASE NO.  
  
PW143/2009

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 C Corcoran BL

Members: Mr M. Noone  
Ms M. Mulcahy

heard this appeal at Dublin on 14th April 2010

Representation:

\_\_\_\_\_

Appellant(s) : In person

Respondent(s) : No appearance by or on behalf of respondent

This case came before the Tribunal by way of an employee appealing against the recommendation of a Rights Commissioner ref: r-071084-pw-08/TB

The decision of the Tribunal was as follows:-

#### **Determination**

Under section 7 (3) (a) of the Payment of Wages Act 1991 the relevant Minister is empowered to make regulations under that Act in relation to procedures in all matters concerning the initiation and the hearing by the Tribunal of appeals under section 7 of the said Act.

The Payment of Wages (Appeals) regulations 1991, made under the said Act as outlined, and in particular Regulation 9, provide for a copy of the notice under section 7 (2) (b) of the Act to be given by registered post, and further that such notice be sent to the address as specified correctly in a notice referred to in Regulation 5 of these Regulations, and in any other case if the person is a company (within the meaning of the Companies Acts 1963), at its registered office.

The evidence as disclosed and adduced by the appellant under examination by this Tribunal, established that the notice or purported notice was not effected by registered post and was posted to a branch of the business which was a different address to that denoted on the relevant form, which is the registered address of the respondent company concerned.

On the basis of the evidence adduced, the Tribunal is not satisfied that a copy of the notice as prescribed under section 7 (2) (b) of the Payment of wages Act 1991 was served or sent by the appellant to the respondent, or that the respondent received such notice.

The Tribunal noted the absence of the respondent in this case.

Accordingly the Tribunal determines that it does not have jurisdiction to hear this appeal.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

