

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE- *appellant*

CASE NO.
PW245/2009

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
Ms. R. Kerrigan

heard this appeal at Donegal on 9th February 2010

Representation:

Appellant: Mr Kieran O’Gorman, O’Gorman Cunningham & Co., Solicitors, 16 Upper Main Street, Letterkenny, Co. Donegal

Respondent: Mr Francis Gillespie, Dunleavy and Barry Solicitors, Quay Street, Donegal Town, Donegal

This case came before the Tribunal by way of an appeal by an employee appealing against the Decision of the Rights Commissioner ref:(r-070627-pw-08/ EOS)

The decision of the Tribunal was as follows:

Determination

Section 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 decision of the Rights Commissioner issued on the 20th February 2009. The appellant's appeal was lodged with the Employment appeals Tribunal on the 9th October 2009. In order to appeal a Rights Commissioners Decision notification must be made to the Tribunal within six weeks of the decision being communication to the parties involved. Therefore the Tribunal has no jurisdiction to hear the appeal.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)