

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE – *appellant*

CASE NO.
PW169/2009

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. D. Donovan

Members: Mr. J. O’Neill
Ms. E. Brezina

heard this appeal at Dublin on 19th July 2010

Representation:

Appellant: In Person

Respondent: Not Present or Represented

This case came before the Tribunal by way of an appeal by the employee (the appellant) against the decision of the Rights Commissioner ref. R-073114-pw-08 JT.

The decision of the Tribunal was as follows:-

Preliminary Issue

The respondent stated that the Tribunal has no jurisdiction to hear the appeal because the appellant did not comply with the terms of Section 7 (2) of the Payment of Wages Act, 1991 which states:

“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 appellant did not furnish proof of compliance with the terms.

Determination:

The Tribunal finds that it has no jurisdiction to hear this appeal, as it is not satisfied that the appellant complied with Section 7 (2) of the Payment of Wages Act, 1991.

Therefore the appeal fails and the recommendation of the Rights Commissioner is upheld.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)