

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE
- *appellant*

CASE NO.
PW114/2010

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 F. Crawford B.L.

Members: Mr. T. O'Sullivan
Mr T. Brady

heard this appeal at Dublin on 21st September 2010

Representation:

Appellant: Mr Bart Szymkow, Tiernan & Co, Solicitors, 144 Baggot Street, Dublin 2

Respondent: No appearance by or on behalf of the respondent.

This case came before the Tribunal by way of an employee appealing against the Decision of the Rights Commissioner ref: (r-087367-pw-09/RG)

The decision of the Tribunal was as follows:-

The appellant is seeking un-paid wages under the Payment of Wages Act 1991. The respondent laid off the appellant on the 14th April 2009. The respondent issued the appellant's P45 on the 15th July 2009. The appellant gave evidence through an interpreter that he was on layoff between 14th April 2009 and 15th July 2009. However during this period he had worked approximately ten days over this three-month period for the respondent and was not paid through the payroll for these days. The appellant applied for social welfare assistance in April 2009.

Determination

The appellant was laid off on the 14th April 2009; his original complaint was referred to the Rights Commissioner Service on the 1st December 2009. Under of the Payment of Wages Act 1991 a complaint must be made within six months of the date of the contravention of this Act. Accordingly the Tribunal affirms the Decision of the Rights Commissioner and the appeal fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

