

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE
- *claimant*

CASE NO.
UD498/2010

for implementation of the recommendation of the Rights Commissioner
in the case of:

EMPLOYER- *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. Revington S.C.

Members: Mr. M. Flood
Ms. E. Brezina

heard this claim at Dublin on 15th October 2010

This case came before the Tribunal where the claimant was seeking implementation of the recommendation of the Rights Commissioner under the Unfair Dismissals Acts, 1994 and 2001 reference r-079614-ud-09/GC

Representation:

Claimant: In person

Respondent: No appearance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

There was no appearance by or on behalf of the respondent company.

The Tribunal was satisfied the time delimited by section 9 (2) of the Unfair Dismissals Acts, 1977 to 2007 to appeal a recommendation of a Rights Commissioner had expired without an appeal having been brought. That time having expired, the claimant has brought a claim for enforcement of the Rights Commissioner's recommendation. As the first time for appeal has expired, the only evidence that the Tribunal can hear is in relation to the performance. The Tribunal cannot at this stage reopen the merits of the case before the Rights Commissioner.

The Tribunal is satisfied that the recommendation has not been performed in any way. The Tribunal makes a determination to the like effect as the recommendation and awards €3,000.00 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)