

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYER -**Appellant (Employer)**

PW242/2009

against the decision of the Rights Commissioner **R-075340-PW-09 JOC**
In the case of

EMPLOYEE
-**Respondent (Employee)**

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. S. McNally

Members: Mr. J. Browne
Mr. D. McEvoy

heard this appeal at Cork on 1 October 2010

Representation:

Appellant:
Mr. David O'Meara, David J. O'Meara & Son, Solicitors,
Bank Place, Mallow, Co. Cork

Respondent:
No appearance by, or representation on behalf of the respondent

The determination of the Tribunal was as follows: -

This case came before the Tribunal as a result of an appeal by an employer (the appellant) against a decision of the Rights Commissioner under the Payment of Wages Act, **R-075340-PW-09 JOC**, in the case of an employee (the respondent).

Determination

The employer was not present at the hearing of this matter by the Rights Commissioner and, on receipt of the decision of the Rights Commissioner was not aware of the whereabouts of the employee. Section 7 (2) b of the Payment of Wages Act, 1991 requires an appellant to notify both the Tribunal and the other party in writing of the intention to appeal within six weeks from the date the decision was communicated to it. In the instant circumstances the appellant was unable to comply with this requirement. Accordingly, the Tribunal finds that there is no jurisdiction to hear the appeal under that Act. The Tribunal notes that the employee was not on notice of this appeal as neither the notice of appeal nor the notice of this hearing were served on him.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)