

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE – *claimant*

UD1416/2009

against

EMPLOYER – *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Hayes

Members: Ms. J. Winters
Mr. G. Whyte

heard this claim at Navan on 13th October 2010 and 31st January 2011.

Representation:

Claimant: Mr. J. Murphy of Murphy Coady & Company Solicitors,
Commons Road, Navan, Co. Meath on 13th October, 2010
No appearance by or on behalf of claimant on 31st January, 2011

Respondent: Mr. John Barry of Management Support Services (Irl) Ltd,
The Courtyard, Hill Street, Dublin 1

The determination of the Tribunal was as follows:-

The Tribunal initially heard this claim on 13th October 2010. It was adjourned for further hearing on 31st January 2011. The parties, their representatives and the Tribunal agreed this date. The claimant's solicitor wrote to the Tribunal by letter dated 27th January 2011 and sought a postponement of the hearing on the grounds that his client had "taken seriously ill with a heart condition and our Mr. Murphy has to attend the High Court on Monday 31st January 2011." Also furnished was a letter of consent from the respondent's representative. This consent noted that the claimant's solicitor intends to appear before the Tribunal to request the adjournment and asked to be notified of the Tribunal's decision.

The claimant's solicitor did not attend before a division of the Tribunal. He asked that the postponement be granted by correspondence. A member of the Tribunal's secretariat telephoned the solicitor and told him that postponements could only be granted by a division of the Tribunal and not by the secretariat. Notwithstanding this advice no application was to the Tribunal. Nor was any

evidence of the claimant's heart condition, such as a letter or certificate from his doctor, ever furnished to the Tribunal.

The claimant's solicitor, as he had indicated, did not appear before the Tribunal on 31st January 2011. The claimant did not attend and no other representative attended to seek a postponement.

The Tribunal was told that initially the respondent's representative was informed that the matter had been postponed but that he discovered that this was not the case.

On the application of the respondent, this case fails for want of prosecution. There was no appearance by or on behalf of the claimant on 31st January 2011. No postponement had been properly applied for and none had been granted. Further, no evidence of the claimant's medical condition had been furnished.

Accordingly, this claim pursuant to the Unfair Dismissals Acts 1977 to 2007 is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)