

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYER *– appellant*

CASE NO.
PW255/2009

against the recommendation of the Rights Commissioner in the case of:

– respondent
EMPLOYEE
v
EMPLOYER

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms K T O'Mahony BL

Members: Mr J Hennessy
 Ms S Kelly

heard this appeal at Kilkenny on 21st January 2011

Representation:

Appellant(s): In person

Respondent(s): Mr Richard Grogan
 Richard Grogan & Associates
 16/17 College Green, Dublin 2

This case came before the Tribunal by way of an employer appealing the decision of a Rights Commissioner ref: r-069689-pw-08/DI.

The decision of the Tribunal was as follows:

The respondent's representative contended that neither he nor the respondent had been served a copy of the notice of appeal as specified under section 7 (2) (b) of the Payment of Wages Act, 1991. The appellant was unable produce any documentary evidence to show that this section had been complied with. He had a representation at the time the appeal was lodged and could not verify whether a copy was sent to the other party.

Determination:

Having heard and noted the respondent's representative's submission on the application of this appeal the Tribunal finds that it has no jurisdiction to hear this case based on section 7 (2) (b) of the Payment of Wages Act, 1991. Accordingly the decision of the Rights Commissioner ref: r-069689-pw-08/DI stands.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)