

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEALS OF:**

**CASE NO:**

EMPLOYEE

*- claimant*

UD1648/2009

MN1614/2009

WT 693/2009

against

EMPLOYER

*- respondent*

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007  
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. J. Lucey

Members: Mr. W. O'Carroll  
Mr. T. Kelly

heard this appeal in Limerick on 19 January 2011

**Representation:**

Appellant: Not Present or Represented

Respondent: Kerry Molyneaux, IR/HR Executive, IBEC, Confederation House,  
84/86 Lower Baggot Street, Dublin 2

The decision of the Tribunal was as follows:

Neither the claimant nor her solicitor attended the hearing. The representative for the respondent company attended to inform the Tribunal the matter had been settled two days previously and she was aware that as she was the representative for the respondent company she could withdraw the claims.

Following telephone calls made to the claimant's legal representative, a letter was faxed to the Secretariat of the Employment Appeals Tribunal in Dublin. This stated:

*" We hereby confirm that the Claimant withdraws her case. We obliged if you*

*would give us liberty to re-enter until the 1<sup>st</sup> April 2011 next. Many thanks.”*

**Determination:**

Neither the claimant nor her solicitor attended the hearing to withdraw the claims nor to request a period of time for the settlement to be implemented. As this is the case the Tribunal finds the claims under the Unfair Dismissals Acts, 1977 to 2007, the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and the Organisation of Working Time Act, 1997 are dismissed for failing to prosecute.

Sealed with the seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)