

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:

EMPLOYEE - *appellant*

CASE NO.  
TE23/2009

PW28/2009

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

EMPLOYER - *respondent*

under

**PAYMENT OF WAGES ACT, 1991  
TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr P. Pierson  
Mr J. Maher

heard this appeal at Tullamore on 18th February 2011

Representation:  
\_\_\_\_\_

Appellant(s) : No appearance by or on behalf of appellant

Respondent(s) : Hoey & Denning, Solicitors, High Street, Tullamore, Co. Offaly

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an employer, hereinafter referred to as the appellant appealing against the decision of a Rights Commissioner under the Terms of Employment (Information) Act, 1994 and 2001 r-066645-te-08 and the Payment of Wages Act, 1991 r-066646-pw-08.

**Determination**

The appellant in this case did not appear at the time set for the hearing or at all therefore failing to prosecute the appeals. Accordingly the appeals fail for lack of prosecution. The Tribunal was informed that the appeals were not lodged to the Tribunal within the statutory period of six weeks

from the date of the decision of the Rights Commissioner. The Tribunal finds that the appeals fail on this ground. The Tribunal was also informed that the appellant failed to notify the respondent in writing of the appeal under the Payment of Wages Act 1991 as provided for in section 7 (2) (b) of the Payment of Wages Act 1991. The Tribunal therefore finds this appeal also fails on this ground.

The Tribunal dismisses the appeals and upholds the decision of the Rights Commissioner under the Terms of Employment (Information), Act 1994 and 2001 and the Payment of Wages Act,1991.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

