

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM OF:  
EMPLOYEE

CASE NO.  
UD1128/2010

for implementation of the recommendation of the Rights Commissioner  
in the case of:  
EMPLOYER

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly B L  
Members: Mr M. Noone  
Mr A. Butler

heard this claim at Wicklow on 25th March 2011

**Representation:**

Claimant : Mr. Keron Connolly, SIPTU, 7 Marine Terrace, Strand Road, Bray, Co Wicklow

Respondent: No representation listed

The determination of the Tribunal was as follows:

Section 7 (4) of the Unfair Dismissals Acts, 1967 to 2007 reads as follows:

*Where a recommendation of a rights commissioner in relation to claim for redress under this Act has not been carried out by the employer concerned in accordance with its terms, the time for bringing such an appeal against the recommendation has expired and no such appeal has been brought, the employee concerned may bring the claim before the Tribunal and the Tribunal shall, notwithstanding subsection (5) of this section, without hearing the employer concerned or any evidence (other than in relation to the matters aforesaid), make a determination to the like effect as the recommendation.*

The Tribunal is satisfied that in this case the respondent neither discharged the award of €7,500.00 as stated in the rights commissioner's recommendation nor appealed that recommendation within the time allowed. Accordingly, the Tribunal now orders that this amount be paid to the claimant under the Unfair Dismissals Acts, 1967 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal  
This \_\_\_\_\_

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

