

**CORRECTING ORDER**

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL OF:

CASE NO.

EMPLOYEE *-claimant*

UD2108/2009

For the implementation of the recommendation of the Rights Commissioner in the case of:

EMPLOYER *-respondent*

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms Elva Kearney

Members: Mr. W. O'Carroll  
Ms H. Murphy

heard this appeal at Loughrea on 26<sup>th</sup> of April 2010

**Representation:**

\_\_\_\_\_

Claimant: Mr. James Lucy & Company, Solicitors, Cumberland House, Emmet Square, Birr, Co. Offaly

Respondent: No appearance or representation on behalf of

This order corrects the original Order dated the 28<sup>th</sup> of May 2010 and should be read in conjunction with that Order.

**Determination**

The Tribunal corrects the text of the determination award which should read, the Tribunal makes a determination to the like effect as the Rights Commissioner Recommendation r-060131-ud-07/POB, stating that the claimant should be reinstated from the 24<sup>th</sup> of July 2007 and awards compensation in lieu of loss of income of €20,000.00.

This replaces the original which states, the Tribunal makes a determination to the like effect as the Rights Commissioner Recommendation r-060131-ud-07/POB, stating that the claimant should be reinstated from the 24<sup>th</sup> of July 2007 and the respondent

pay the claimant the sum of €20,000.00 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

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APPEAL OF:

CASE NO.

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### UNFAIR DISMISSALS ACTS, 1977 TO 2007

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#### **Representation:**

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Claimant: Mr. James Lucy & Company, Solicitors, Cumberland House, Emmet Square, Birr, Co. Offaly

Respondent: No appearance or representation on behalf of

#### **Determination**

Section 7 (4) (a) of the Unfair Dismissals Act, 1977 to 2007, states:

“Where a recommendation of a rights commissioner in relation to a claim for redress under this Act has not been carried out by the employer concerned in accordance with its terms, the time for bringing 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.”

Accordingly, the Tribunal makes a determination to the like effect as the Rights

Commissioner Recommendation r-060131-ud-07/POB, stating that the claimant should be reinstated from the 24<sup>th</sup> of July 2007 and the respondent pay the claimant the sum of €20,000.00 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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