

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE
- *appellant*

CASE NO.
PW53/2010

against the recommendation of the Rights Commissioner in the case of:
EMPLOYER - *respondent*
under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr M. Murphy
Mr J. Maher

heard this appeal at Monaghan on 10th June 2011

Representation:

Appellant(s) : In Person

Respondent(s) : Not Present or Represented

This case came before the Tribunal by way of an appeal by the employee against the recommendation of a Rights Commissioner Ref: r-0082325-pw-09/SR.

The decision of the Tribunal was as follows:-

Determination

The Tribunal cannot hear the appeal as it has no option but to decline jurisdiction. S. 7 (2) of the Payment of Wages Act, 1991, provides:

“An appeal under this section shall be initiated by a party by his giving, within 6 weeks of the date on which the decision to which it relates was communicated to him-

(a) a notice in writing to the Tribunal containing such particulars (if any) as may be specified in regulations under subsection (3) and stating the intention of the party concerned to appeal against the decision, and

(b) a copy of the notice to the other party concerned.”

The Tribunal is not satisfied that s.7 (2) (b) above has been complied with and therefore has no

alternative but to find that it does not have jurisdiction to hear the appeal under the Payment of Wages Act, 1991, against Rights Commissioner Recommendation.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)