

## EMPLOYMENT APPEALS TRIBUNAL

**CLAIM(S) OF:**  
EMPLOYEE - *claimant*

**CASE NO.**  
UD2028/2010

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

EMPLOYER  
EMPLOYER  
- *respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr P. Hurley

Members: Mr. W. O'Carroll  
Mr N. Dowling

heard this claim at Tullamore on 10th June 2011

#### Representation:

Claimant: In person

Respondent: No appearance by or on behalf of the respondent

This case came before the Tribunal by way of an employee seeking implementation of the recommendation of the Rights Commissioner under the Unfair Dismissals Acts 1977 to 2007 ref:(r-085077-ud-09/EH)

The determination of the Tribunal was as follows:

#### **Determination**

There was no appearance by or on behalf of the respondent company. The Tribunal was satisfied that it had been properly put on notice of the hearing.

The Tribunal was satisfied the time delimited by section 9 (2) of the Unfair Dismissals Acts, 1977 to 2007 to appeal a recommendation of a Rights Commissioner had expired without an appeal having been brought. That time having expired, the claimant has brought a claim for enforcement of the Rights Commissioner's recommendation. As the first time for appeal has

expired, the only evidence that the Tribunal can hear is in relation to the performance. The Tribunal cannot at this stage reopen the merits of the case before the Rights Commissioner.

The Tribunal is satisfied that the recommendation has not been performed in any way. On the basis of the Rights Commissioner's recommendation the Tribunal awards the claimant compensation in the amount of €3,500.00.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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