

**EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:  
, EMPLOYER  
*-Appellant*

CASE NO.  
TE91/2009

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

EMPLOYEE  
-V-  
EMPLOYER

TE91/2009

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr E. Murray  
Members: Mr J. Hennessy  
Mr F. Dorgan

heard this appeal at Waterford on 10th May 2010

Representation:

Appellant: Mr John Bolger, 2 Tonduff Close,  
Green Park, Walkinstown, Dublin 12

Respondent: No representation listed

**Determination:**

There was no appearance for or on behalf of the employee. The Tribunal is satisfied that proper notification was sent to the employee.

Based on the uncontroverted evidence of the employer the Tribunal is satisfied that the employer gave a contract of employment to the employee. The employer's appeal of the Rights Commissioners' recommendation succeeds.

“8. —(1) A party concerned may appeal to the Tribunal from a recommendation of a rights commissioner under [section 7](#) and, if the party does so, the Tribunal shall give the parties an opportunity to be heard by it and to present to it any evidence relevant to the appeal, shall make a determination in writing in relation to the appeal affirming, varying or setting aside the recommendation and shall communicate the determination to the parties.”

Accordingly the Tribunal set-aside the recommendation of the Rights Commissioner, ref; r-068143-te-08 JOC.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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



