

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYER

CASE NO.
PW209/2010

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

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K. T. O'Mahony B.L.
Members: Mr J. Killian
Mr D. McEvoy

heard this appeal at Tralee on 15th April and 28th June 2011

Representation:

Appellant : Mr Michael McNamee B L instructed by
Catriona Byrne & Co, Solicitors, 3 Millbank, Blessington, Co. Wicklow

Respondent : Ms Norene Browne B L instructed by
Padraig J O'Connell, Solicitors, Glebe Lane, Killarney, Co Kerry

This case came before the Tribunal by way of an appeal by the former employer against a decision by a Right's Commissioner reference number r-084031-pw-09/pob

The decision of the Tribunal was as follows:

Determination

Section 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 decision of the Rights' Commissioner was signed on 7 May 2010. The appeal form T1-B was lodged with the Tribunal on 22 June 2010 and a letter sent by the appellant, indicating that the letter was copied to the respondent's solicitor, was received by the Tribunal secretariat on 23 June 2010. The Tribunal is satisfied that the respondent did not receive a copy notice of the appeal within the

six-week period as required under the Act. Accordingly, the Tribunal does not have jurisdiction to hear the appeal.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

