

## EMPLOYMENT APPEALS TRIBUNAL

**CLAIM(S) OF:**

EMPLOYEE

- *claimant*

**CASE NO.**

UD1355/2010

for 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: Mr M. Gilvarry

Members: Mr. D. Morrison  
Ms. R. Kerrigan

heard this claim at Letterkenny on 25th August 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 an implementation of the Recommendation of the Rights Commissioner ref:r-079720-ud-09/EOS

The determination of the Tribunal was as follows:

#### **Determination**

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 €2850.00

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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